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THE
LEGISLATIVE ASSEMBLY DEBATES.

(Official Report)

Volume V, 1931

(7th to 22nd September, 1931)

SECOND SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY
1931



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GOVERNMENT OF INDIA PRESS
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Legislative Assembly.

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Deputy President :

MR. R. K. SHANMUKHAM CHETTY, M.L.A.

Panel of Chairmen :

DIWAN BAHADUR T. RANGACHARIAR, C.I.E., M.L.A.

MR. ARTHUR MOORE, M.L.A.

SIR MUHAMMAD YAKUB, Kt., M.L.A.

RAI SAHIB HARBILAS SARDA, M.L.A.

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MR. S. C. GUPTA, BAR.-AT-LAW.

Assistants of the Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

RAI BAHADUR D. DUTT.

Marshal :

CAPTAIN NUR AHMAD KHAN, M.C., I.O.M.

Committee on Public Petitions :

MR. R. K. SHANMUKHAM CHETTY, M.L.A., *Chairman.*

MR. ARTHUR MOORE, M.L.A.

SIR ABDUR RAHIM, K.C.S.I., Kt., M.L.A.

RAJA BAHADUR G. KRISHNAMACHARIAR, M.L.A.

MIAN MUHAMMAD SHAH NAWAZ, C.I.E., M.L.A.

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THE
LEGISLATIVE ASSEMBLY DEBATES
(OFFICIAL REPORT OF THE SECOND SESSION OF THE
FOURTH LEGISLATIVE ASSEMBLY.)

VOLUME V—1931.

LEGISLATIVE ASSEMBLY.

Monday, 7th September, 1931.

The Assembly met in the Assembly Chamber in Simla, at Eleven of the Clock, being the first day of the Second Session of the Fourth Legislative Assembly, pursuant to S. 63-D (2) of the Government of India Act. The President (the Honourable Sir Ibrahim Rahimtoola) was in the Chair.

MEMBERS SWORN.

Mr. Lalchand Navalrai, M.L.A. (Sind : Non-Muhammadan Rural) ; Mr. Charles Brooke Elliotte, M.L.A. (Madras : European) ; Mr. George Irving Griffiths, M.L.A. (Bombay : European) ; Mr. John Tait, M.L.A. (Burma : European) ; Dr. Francis Xavier DeSouza, M.L.A. (Nominated Non-Official) ; Mr. Satyendra Nath Roy, M.L.A. (Government of India : Nominated Official) ; Mr. Shamaldhari Lall, M.L.A. (Government of India : Nominated Official) ; Mr. Kodikal Sanjiva Row, M.L.A. (Government of India : Nominated Official) ; Rai Bahadur Udyava Rama Rao, M.L.A. (Madras : Nominated Official) ; Mr. Arthur Henry Ashworth Fodd, M.L.A. (Madras : Nominated Official) ; Mr. Henry Foley Knight, M.L.A. (Bombay : Nominated Official) ; Qazi Azizuddin Ahmad Bilgrami, M.L.A. (United Provinces : Nominated Official) ; Mr. James Ferguson Dyer, C.I.E., M.L.A. (Central Provinces : Nominated Official) ; and Mr. Frank Burton Leach, M.L.A. (Burma : Nominated Official).

QUESTIONS AND ANSWERS.

RETRENCHMENT IN GOVERNMENT OF INDIA OFFICES IN CALCUTTA.

1. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state on what basis the ten *per cent.* cuts have been given effect to in the offices of the Government of India, stationed at Calcutta ? What are such offices ? Will Government please state whether this ten *per cent.* cut has affected the travelling and transfer allowances of any of the officers in those establishments ? Did the retrenching officers consider the advisability of retrenching those who were invalid or on the verge of retirement ?

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The Honourable Sir George Schuster : In April last the Government of India requested all Departments to put up proposals for a reduction of 10 per cent. in the sanctioned grants for 1931-32. In response to this request proposals were put forward, but it has since become necessary to consider more drastic economies, and it is on them that the Retrenchment Sub-Committees are working. No special retrenchments have yet been made since last Budget in travelling and transfer allowances, but certain reductions made by Local Governments in daily and road mileage allowances automatically apply to employees of the Central Government working in those provinces. General instructions have been issued to all Departments calling their attention *inter alia* to the advisability of retrenching officers who are on the verge of retirement.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say if the officers who are on the verge of retirement will be affected in their pensions by this retrenchment ?

The Honourable Sir George Schuster : I think I must have notice of that question. It is very difficult to define what the Honourable Member means by officers who are on the "verge of retirement".

Mr. Lalchand Navalrai : I would explain myself by saying persons who are just retiring within a year or so. Is it a fact or not that their pensions are calculated on the average of three years : and if their pay is reduced now, will their average pension be affected or not ?

The Honourable Sir George Schuster : I am afraid I must decline to be drawn into any discussion of the details of the terms of compensation which might be offered to officers who suffer by compulsory retrenchment.

Mr. Lalchand Navalrai : Will it be possible for the Honourable Member to issue instructions that, in their case, if they are going to be affected by retrenchment, they should be given facilities for retirement on pension ?

The Honourable Sir George Schuster : I shall be very pleased to take note of the Honourable Member's suggestion.

APPOINTMENT OF A REVETMENT TIME-KEEPER AT CHITTAGONG.

2. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state whether it is a fact that the officiating Port Engineer at Chittagong has appointed a boy aged about twelve to work as revetment time-keeper, in place of Syed Ali Khan, who is an aged and experienced man ? What policy do the Port Commissioners at Chittagong follow in making appointments of the kind indicated above ? Will Government please state whether it is a fact that the Honourable Sir George Rainy indicated the Government policy in matters of this kind, since Chittagong was declared to be a major port in 1929 ?

The Honourable Sir George Rainy : The reply to the first sentence of the Honourable Member's question is in the negative. As regards the second sentence of his question, the Honourable Member's attention

is invited to the reply given to his question No. 552 in the Legislative Assembly Debates of the 17th September, 1928. There has been no change in the policy adopted by the Port Commissioners at Chittagong in regard to the recruitment of Muhammadans. With reference to the last sentence of the Honourable Member's question, it is not clear what indication of policy the Honourable Member has in mind.

Mr. Muhammad Anwar-ul-Azim : The policy indicated in the question was the policy in regard to the matters set out in the question to which the Honourable Member has replied—regarding recruitment in the Port Trust at Chittagong.

The Honourable Sir George Rainy : The Honourable Member has conveyed certain information, but whether he has asked a question is not quite clear to me.

Mr. K. Ahmed : Will the Government be pleased to say whether the age of the boy was 12, as put in the question ?

The Honourable Sir George Rainy : I must point out that my answer to the first part of the question is in the negative.

Mr. K. Ahmed : Will the Honourable Member be pleased to enlighten the House as to whether boys of 12, or above, or below (Laughter) are acceptable for service ?

The Honourable Sir George Rainy : I am afraid I must have notice of that question. (Laughter.)

Mr. K. Ahmed : Is it not a fact that a boy of the age of 12 was made to do work as revetment time-keeper ? Is that quite clear to the Honourable Member ?

The Honourable Sir George Rainy : The original question was perfectly clear to me, and I had hoped that my answer was in the negative was equally clear to every Member of the House.

Mr. K. Ahmed : Will the Honourable Member explain, Sir, whether he merely read out here the answer prepared in his Department, or whether he will inquire and find out the age of the boy, because the questioner has alleged that an old and experienced man has been displaced by this young boy of 12 ? Will he for the benefit of the various stages see that people of proper age are appointed ? Will that not benefit the Government as well as the others ?

The Honourable Sir George Rainy : I am afraid that an inquiry as to the age of a non-existent person is beyond the capacity even of the Government of India.

Mr. K. Ahmed : Is there not a circular which states that appointments should not be made unless candidates are of a certain age ? If so, why can we not criticise that persons aged 12 should not be appointed ?

The Honourable Sir George Rainy : The Honourable Member is merely repeating his question.

Mr. K. Ahmed : I want that the age of this boy should be found out, so as to discover his eligibility. In the alternative do Government propose to appoint persons under-age while suitable persons are available ?

The Honourable Sir George Rainy : If the Honourable Member wishes to know the age of the person who was not a boy, I will certainly endeavour to ascertain the facts and communicate them to him if the information is available in Simla.

MILITARY PENSIONS GRANTED TO RESIDENTS IN THE CHITTAGONG DISTRICT.

3. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state what is the method they adopt in giving military pensions to people living in Chittagong district ?

Mr. G. M. Young : Military pensioners in the Chittagong District are paid their pensions quarterly in arrears at the nearest civil treasury or sub-treasury in the district. If a pensioner so desires, the Treasury Officer concerned may remit the pension by postal money order up to a limit of Rs. 50 a month, provided that the money order commission is deducted from the amount of the pension.

Pensioned Indian officers holding Honorary King's Commissions are allowed to draw their pensions monthly in arrears if they wish to do so.

DUMPING OF JAPANESE RICE INTO INDIA.

4. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state if they have received any representation from the Indian Chambers of Commerce in various parts of India for legislation against the dumping of rice, by the people of Japan into this country ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Yes. Until recently, the price of rice was falling rapidly, but the fall was not attributable to the competition of Japanese rice. Imports of rice from Japan amounted only to 2,433 tons in 1930-31, and only to 526 tons during the period from 1st April, 1931, to 15th August, 1931 ; these imports are insignificant compared with India's production of rice, which ranges from 31 to 33 million tons annually. The fall has been arrested recently. In any case, as it was due to world causes, it could not be affected by taking action against the small imports from Japan.

Mr. Lalchand Navalrai : Does the Honourable Member know that Sind is the best rice producing tract and that Sind has suffered on account of this dumping of Japan rice ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Presumably, if it is the best rice producing area in India, it does produce more than the insignificant amount imported from Japan.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to place the correspondence with regard to this on the table or let us know how these figures have been obtained ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : But there is no correspondence.

Mr. Lalchand Navalrai : Am I to understand that no inquiries have been made on this point ? If any have been made, will the Honourable Member kindly place those papers on the table ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I shall be very glad to arrange that the source of my figures is secured. I understand the Honourable Member to ask how the figures I have given have been obtained.

Mr. K. Ahmed : At any rate in view of the fact that rice has become very cheap and the Indian agriculturist is undergoing difficulties, do Government propose to find out and see that foreigners do not send rice into this country at the cost of the poor people here ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : There are no other countries sending rice to my knowledge.

Mr. K. Ahmed : Is it not a fact that rice comes from outside India, except Burma ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I have stated that rice came from Japan and what the amount of it was.

Mr. T. N. Ramakrishna Reddi : In view of the fact that there is a phenomenal fall in the price of rice, will Government be prepared to bring in legislation to levy an import duty on foreign rice ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : As soon as the import of rice attains anything like the magnitude which would interfere with the price of Indian rice, I have no doubt that the Department concerned will be glad to look into the matter.

MUSLIM POPULATION OF BENGAL AND THE PUNJAB.

5. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state what is the Moslem population (male and female) of the provinces of Bengal and the Punjab according to this latest Census ?

The Honourable Sir James Crerar : The 1931 Census of figures of the Muslim population in the Punjab and Bengal are as follows :—

	<i>Males.</i>	<i>Females.</i>	<i>Total.</i>
Punjab ..	8,116,383	6,813,513	14,929,896
Bengal ..	14,381,835	13,461,105	27,842,940

PUBLIC HOLIDAYS IN INDIA.

6. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state on what basis the public holidays are distributed in this country ? Is there any policy in allotting these holidays ? When was the closing of public offices first introduced in this country on account of the Moslem Id-ul-Fiter and Id-ul-Zuha ? On what basis have these holidays been allocated ?

The Honourable Sir James Crerar : I presume the Honourable Member is referring to holidays enjoyed by the offices under the Government of India subject to the provisions of the Negotiable Instruments Act. These are determined with reference to the convenience of those employed as well as the necessities of public business. I have no information as to when holidays were first introduced in this country on account of the Muslim festivals of Id-ul-Fiter and Id-ul-Zuha ; they were declared to be closed holidays for the Government of India Offices, respectively, in 1923 and 1930.

Pandit Ram Krishna Jha : What about the Hindu population in these provinces ?

The Honourable Sir James Crerar : I do not think that that arises of this question.

Mr. Muhammad Anwar-ul-Azim : Will the Honourable Member kindly see if it will be possible without inconveniencing the Government Departments to increase the number of Muhammadan holidays on the occasion of Id-ul-Fiter and Id-ul-Zuha ?

The Honourable Sir James Crerar : The actual number of holidays allowed, both general and communal, have been very carefully examined, and I regret that it is not possible to make any alteration in them without an appreciable interference with public business.

Sir Cowasji Jehangir : Are Government aware that there is a school of thought that thinks that there are sufficient bank holidays in India already ?

The Honourable Sir James Crerar : I have received some indications of that school of thought.

Sir Cowasji Jehangir : Will Government give some attention to that school of thought ?

The Honourable Sir James Crerar : Certainly, Sir.

MUSLIM REPRESENTATION IN CERTAIN GOVERNMENT OF INDIA OFFICES IN CALCUTTA.

7. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state what is the percentage of Moslem representation in the following offices of the Government of India located at Calcutta :

- (1) Accountant-General.
- (2) Accountant-General, Posts and Telegraphs.
- (3) Commercial Intelligence Department.
- (4) Currency Office.
- (5) Government Printing, India.
- (6) Mint Office.
- (7) Patent Office.
- (8) Port Office.
- (9) Postmaster-General, Bengal and Assam
- (10) Shipping Office.
- (11) Survey of India Office.
- (12) Central Telegraph Office, Calcutta †

The Honourable Sir James Crerar : A statement giving the information asked for is being sent to the Honourable Member separately.

ESTABLISHMENT AND COST OF RE-EQUIPMENT OF THE CHITTAGONG TELEGRAPH OFFICE.

8. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state what is the total strength of establishments, excepting the menials, at the Chittagong Telegraph Office, and what is the percentage of the Moslem representation therein ? When was the Telegraph Office first started at Chittagong ? How much has it cost Government to re-equip the Chittagong Telegraph Office after the Easter raid of 1930 ?

Mr. J. A. Shillidy : The replies to the three parts of the question are respectively, first, 27 and 3.7 per cent. ; second, 1860-61 ; third, Rs. 950.

FIXATION BY STATUTE OF PERCENTAGE OF MUSLIM REPRESENTATION IN GOVERNMENT SERVICES.

9. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state whether they have submitted for the consideration of the Round Table Conference the question of fixing by statute the percentage of Moslem representation in the service of the Crown in India ? If so, when ?

The Honourable Sir James Crerar : The reply to the first part is in the negative. The second part does not arise.

Mr. Lalchand Navalrai : Will the Government be pleased to say if they have considered the feasibility of filling up all Government appointments henceforth by the sole consideration of efficiency and not on communal considerations ? Has the Government considered that question ?

The Honourable Sir James Crerar : The policy of Government on the points to which the Honourable Member refers has been repeatedly explained in this House, and there is no change in that policy.

Mr. Lalchand Navalrai : What policy ? Will the Honourable Member be pleased to say whether henceforth Government will consider the desirability of filling up all appointments with a view to efficiency only and not on communal considerations ?

The Honourable Sir James Crerar : I think I have already answered that question.

Mr. Lalchand Navalrai : I did not follow you.

ROBBERIES IN POST OFFICES IN THE DISTRICTS OF CHITTAGONG AND DACCA.

10. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state how much Government have lost by dacoities and robberies in post offices in the districts of Chittagong and Dacca, during the last two years ? What steps do Government propose to adopt to stop recurrence of these in future ?

Sir Hubert Sams :

			Rs.	A.	P.
Chittagong district	..	..	573	12	0
Dacca district	..	..	4,507	0	0

The question was discussed by the Postmaster-General with the Local Government and the police and it was considered that special measures need not be adopted by the Posts and Telegraphs Department apart from certain precautions, where and when advisable, such as the suspension of night conveyance of mails and cash by road, the strengthening of runners' lines and employment of durwans in addition to the usual precaution of storing cash for the night in police stations.

Mr. Muhammad Anwar-ul-Azim : Are the Government aware that in spite of the precautions taken by the local authorities, there was a robbery committed three or four days ago in a post office at the headquarters itself ?

Sir Hubert Sams : I should like to have notice of that question, Sir.

ABOLITION OF RANGE OFFICES OF DEPUTY POSTMASTERS-GENERAL.

11. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state if they have submitted for the consideration of the Posts and Telegraphs

Sub-Committee of the Retrenchment Committee, anything about abolishing the Range Offices of the Deputy Postmasters-General all over India ? If so, when, if not, why not ?

Mr. J. A. Shillidy : The question of possible retrenchments throughout the Posts and Telegraphs Department is under examination by the Retrenchment Advisory Committee and Government are not in a position to make any further statement at present.

MATERIALS SUPPLIED BY INDIA FOR THE GREAT WAR.

12. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that, during the Great War, materials to the value of about Rs. 35 crores were supplied by India to England for purposes of operations in Mesopotamia and other places, but which has not yet been paid back to India by England ?

(b) Is it a fact that Sir B. N. Mitra was deputed to go to England on behalf of India, but had to cancel the whole of this claim of India, which England refused to pay ?

(c) Are Government prepared to publish all correspondence on the subject and make a statement giving the facts of this transaction, the name of the competent authority to disallow the claim of India, and the steps taken by Government to realize it ?

The Honourable Sir George Schuster : (a) The answer is in the negative. All debits raised in the War Accounts against the Imperial Government on account of the value of stores supplied were settled in full.

(b) and (c). In view of the reply given to part (a) these questions do not arise.

FORMATION OF AN INDIAN AIR FORCE.

13. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the Iraq Air Force has already come into existence, and is manned and piloted by Iraqi officers ?

(b) When do Government propose to form an Indian Air Force, and why has there been this delay ?

(c) What has been estimated to be the strength, composition, the number of Indian pilots and officers and the approximate annual expenditure of such an Indian Air Force ; and will Indian revenues continue to pay both for the Royal Air Force, and the Indian Air Force when it is established ; and if so, for how long ? Will the Indian Air Force be distinct from the Indian Army ? If so, under whose control ? And will any part of its expenditure be non-voted ?

Mr. G. M. Young : (a) Government understand that the Iraq Government has acquired a few light aeroplanes and that these will form the nucleus of a future Air Force Squadron ; also that the aeroplanes are flown, under the supervision of a Flight Lieutenant of the Royal Air Force, by Iraqi officers who have been trained in England.

(b) The first unit of the Indian Air Force should be in existence by March 1933. Such delay as there has been is due to the fact that Indians did not succeed in qualifying for entry into Cranwell until

November 1929. The cadets who entered Cranwell after that examination are due to pass out next summer, when they will, in the ordinary course, be attached to units of the Royal Air Force for 12 months for further instruction. In the meantime, the training of aircraft apprentices will be carried out at Karachi. This training will begin in September, that is, this September, and it is hoped that a sufficient number of apprentices will be qualified by March 1933 to enable the first unit of the Indian Air Force to be formed. Indian officers will join this unit after they have completed their training with units of the Royal Air Force.

(c) The first unit of the Indian Air Force will consist of a Headquarters and one Flight, and it is hoped that this will quickly expand into a full Squadron consisting of Headquarters and three Flights.

The strength of the first unit will be :—

5 British and 6 Indian Officers, 13 British and 37 Indian airmen, and 1 British Civilian Instructor.

This unit will be gradually expanded to the strength of a full squadron by the gradual addition of Indian officers and Indian airmen. It is not intended to add to the above numbers of British officers and British airmen.

The approximate annual expenditure of this unit will be Rs. 5½ lakhs. This amount will increase as the unit expands.

Indian revenues will pay both for the Royal Air Force in India and the Indian Air Force when established. The Honourable Member will realise that I am not in a position to prophesy exactly at what stage the Indian Air Force will begin to replace units of the Royal Air Force. The Indian Air Force will be distinct from the Indian Army and will be administered by the Air Officer Commanding, Royal Air Force in India, under the control of His Excellency the Commander-in-Chief.

The classification of expenditure on the Indian Air Force will follow that of other expenditure on Defence.

PROHIBITION OF A DRAMA IN THE NORTH-WEST FRONTIER PROVINCE.

14. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the North West Frontier Province authorities have prohibited the performance, in any public place, of a drama, known to be written by Amir Nawaz, ex-student, Islamia College, Peshawar, as it is likely to excite feelings of disaffection against Government ? If so, under what law ? And has the book itself been proscribed, or has the mere performance of the drama been prohibited ?

(b) At what places, and on how many occasions was this drama played, and with what result ?

Mr. E. B. Howell : (a) A copy of gazette notification No. 7083-P., dated the 7th April 1931, published by the Local Administration is laid on the table.

(b) An adaptation of the drama was enacted once at a meeting on the night of 4th-5th April near Frang and Bahra villages in the Charsadda Sub-Division. It depicted the murder of the Assistant Commissioner, Charsadda, and included other scenes which amounted to direct incitement to violence. On the night following the presentation of the drama

an attempt was made to enter the Assistant Commissioner's bungalow but the intruder was detected and though fired on by the police guard succeeded in making good his escape.

GOVERNMENT GAZETTE,

EXTRAORDINARY.

NOTIFICATION.

Peshawar, the 7th April, 1931.

No. 7083-P.—In exercise of the powers conferred by section 99-A. of the Criminal Procedure Code, 1898, as amended by the Press Law Repeal and Amendment Act, 1923, Code of Criminal Procedure (Third Amendment) Act, 1926, and the Criminal Law Amendment Act, 1927, the Chief Commissioner is pleased hereby to declare to be forfeited to His Majesty, every copy, wherever found, of the book entitled "Dard"—published in Pushtu by Amir Nawaz Jalya, student, Islamia College, Peshawar, and printed at the Lakshmi Art Steam Press, Peshawar, by Sant Ram, Manager—and all other documents containing copies, reprints, or translations of, or extracts from, the said book, on the ground that it contains matter, the publication of which is punishable under section 124-A of the Indian Penal Code, as it tends to promote hatred and disaffection towards the Government established by law in British India.

By order, etc.,

(Sd.) C. H. GIDNEY,

Secretary to the Chief Commissioner,

North West Frontier Province.

GARHWALI MILITARY PRISONERS.

15. ***Mr. Gaya Prasad Singh** : Is it a fact that the case of the Garhwali military prisoners, who were sentenced to long terms of imprisonment has been under re-examination ? If so, with what result ?

Mr. G. M. Young : The sentences have not yet been reviewed : but they will be reviewed shortly in accordance with the usual practice in such cases.

Kunwar Hajee Ismail Ali Khan : May I know why these prisoners were not released under the Gandhi-Irwin Agreement ?

Mr. G. M. Young : Because, Sir, their case was not covered by the terms of that agreement.

DISTURBANCES IN BURMA.

16. ***Mr. Gaya Prasad Singh** : (a) Will Government kindly make a statement relating to the disturbances in Burma, their causes, the number of casualties on both sides, and of the troops employed to cope with the situation, after the date up to which a statement was supplied to this House in answer to my question in the last Delhi session ?

(b) What are the troops employed in Burma, and why are Indian troops, if any, so employed ?

(c) What is the actual state of things with regard to the alleged anti-Indian feeling and activities in Burma, and what specific steps have been taken to cope with them ?

The Honourable Sir James Crerar : (a) I would refer the Honourable Member to the Local Government's report published on the 6th

July last and to the weekly appreciations from the 13th June to the 28th August, copies of which have been placed in the Library of the House.

(b) The troops employed in Burma are :—

(A) *Normal Garrison.*

- 1 Mountain Battery, Royal Artillery.
- 2 British Infantry Battalions.
- 4 Indian Infantry Battalions (including 1 Training Battalion).
- 1 Pioneer Battalion.
- 1 Field Company, Sappers and Miners.
- 1 Animal Transport Company.

(B) *Reinforcements.*

- 1 British Infantry Battalion.
- 1 Infantry Brigade Signal Section.
- 1 W/T Section.
- 5 Indian Infantry Battalions.
- 2 1/3 Animal Transport Companies.

The reinforcements comprised all that were available and could be spared.

(c) I have called for information and will supply an answer later.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say what methods the Government have employed to remove the causes of these disturbances in Burma ?

The Honourable Sir James Crerar : I think the Honourable Member will find that dealt with in the public statements made by the Government of Burma.

MERGING OF WIRELESS AND CABLE COMPANIES IN INDIA.

17. ***Mr. Gaya Prasad Singh :** (a) Have there been any negotiations for merging the interests of wireless and cable offices in India ; and if so, with what result ?

(b) Is it a fact that the existing Indian Radio Telegraphs, have increased, or are going to increase the share capital, with a view to securing entire control of the Indian business ?

(c) Is it a fact that the Imperial Cable and Communications Company have substantial holdings in the new company ? Will Government kindly make a statement in this connection, indicating how the Indian demand for rupee capital with substantial Indian control on the directorate has been met ?

Mr. J. A. Shillidy : (a) Yes. The negotiations are still in progress.

(b) The Indian Radio Telegraph Company has not increased its capital, nor has it submitted to Government proposals for an increase of its share capital.

(c) In accordance with the Agreement with the Government of India, 60 per cent. of the original Cash Capital of the Indian Radio Telegraph Company Limited was offered for public subscription in India but as this amount was not wholly taken up in India, Marconi's Wireless Telegraph Company Limited took up the balance, in addition to 40 per cent. previously subscribed, and thus obtained nearly two-thirds of the voting power of the Indian Radio Telegraph Company. Marconi's Wireless Telegraph Company is now controlled by Cables and Wireless Limited, a company registered in Great Britain and having effective control of Imperial and International Communications Limited.

The capital of the Indian Radio Telegraph Company is rupee capital and of the eight Directors five are Indians.

CAPITATION CHARGES FOR BRITISH ARMY RECRUITS IN INDIA.

18. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that an independent tribunal has been, or is going to be appointed to adjudicate upon the question of the disputed liability of the Government of India to pay His Majesty's Government the present annual capitation charges in respect of the training in India of British Army recruits, and also India's claim for a contribution from Imperial revenues towards the military expenditure in India ? What are the present amounts on the above heads ?

(b) What is the personnel, and composition of this tribunal and its terms of reference ?

The Honourable Sir George Schuster : (a) and (b). I would refer the Honourable Member to the statement which I made on this subject in this House on the 10th March 1931 in the course of the debate on the Army Department vote. I am not at present in a position to add to that statement.

REFUSAL OF PERMISSION TO MAULANAS MUHAMMAD ISHAQ AND MUHAMMAD IRFAN TO ENTER THE NORTH WEST FRONTIER PROVINCE.

19. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that Maulanas Muhammad Ishaq, and Muhammad Irfan have been prevented from entering the North West Frontier Province ; and if so, when and why ?

(b) Are Government aware that their homes are in the Frontier Province, and they have been forcibly kept out for about 12 years ?

Mr. E. B. Howell : (a) and (b). Orders of externment under the North West Frontier Province Security Regulation, 1922, were issued against Muhammad Ishaq and Muhammad Irfan in August-September 1922. The Regulation lapsed on the 9th March 1931 and the externment orders are no longer in force.

PROHIBITION OF GANDHI CAPS AND KHADDAR IN BANNU CANTONMENT.

20. ***Mr. Gaya Prasad Singh :** Is it a fact that orders were issued about April last, prohibiting persons wearing Gandhi caps, or khaddar from entering Bannu Cantonment area (North West Frontier Province) ? And is it a fact that the Post Office, Telegraph Office, Treasury, and Courts are all situated in the cantonment area ? Is the order still in force, and if so, why ?

Mr. G. M. Young : The answer to the first part is in the negative and to the second in the affirmative. The third part does not arise.

ACTION TAKEN AGAINST VOLUNTEERS OF THE AFGHAN YOUTH LEAGUE OR THE KHUDAI KHIDMATGARS IN THE NORTH WEST FRONTIER PROVINCE.

21. *Mr. Gaya Prasad Singh : (1) Will Government kindly state whether

- (a) on or about the 13th March, 1931, volunteers of the Afghan Youth League, or the Khudai Khidmatgars were beaten by the police at Takhatbai (North West Frontier Province) and a representation was duly made to Government ; and if so, what was its result ;
- (b) on the 29th March, 1931, or thereabouts, the volunteers were beaten at Pabbii, in Tehsil Nowshera ;
- (c) at Shahbaz Garhi in Mardan Sub-Division, the volunteers were beaten, their uniforms were torn off, and they were kept in the police lock up for a number of days ;
- (d) a peaceful gathering of the Nowshera Khudai Khidmatgars while proceeding to attend a public meeting at Pir Pai was forcibly prevented from crossing the bridge at Nowshera ;
- (e) in the Malakand Agency no volunteer can wear his uniform, or convene, or attend any peaceful meeting ; and about the 9th or 10th April, 1931, Mirzada and Ashan Ali were arrested as they were wearing the volunteer's uniform ; and
- (f) a military officer along with a posse of police, and some military sepoy's patrolled the streets of Nowshera village about the 10th April, 1931, and exacted *salaams* from all passers-by ?

(2) Do Government propose to hold an inquiry into the above incidents ?

Mr. E. B. Howell : (1) Government do not admit that the facts are as stated by the Honourable Member—

- (a) A very large crowd collected at Takhtbai to welcome a certain Ghulam Muhammad Khan on his release from imprisonment after the Delhi Settlement. The crowd became very threatening towards the police and threw stones at them. The police, who numbered only six, were forced to take action in self-defence. Certain allegations made in connection with this incident were investigated by the Chief Commissioner, North West Frontier Province, and the Secretary, Afghan Youth League, was informed verbally by him that the allegations were exaggerated and distorted.
- (b) Government have made enquiries from the local authorities who have been unable to trace any such incident. No complaint or report was made to Government in connection with any such incident.
- (c) No such incident occurred. Certain persons were, however, arrested in connection with a robbery on the Shahbazgarhi.

Husai Road. They were not wearing red uniforms when arrested, nor were they beaten, nor were their clothes torn off. On their arrest they were produced before a Magistrate in the usual way and remanded to judicial custody.

(d) Under cantonment rules no processions or demonstrations are permitted in the cantonments of the Peshawar District. On the 9th April, 1931, a large gathering of Red Shirts attempted to force a crossing over the Nowshera Bridge into cantonment limits. The police prevented this action by closing the gate.

(e) No orders have been issued limiting the liberty of Red Shirt Volunteers to wear uniform or to convene or attend any meeting.

Mirzada and Hashim Ali (not Ashan Ali) were arrested by the Jirga of their village on the 7th and 10th April 1931, respectively, because the latter considered their conduct unsatisfactory. They were released a fortnight later at the request of the Jirga. They were not wearing uniform when arrested, nor, so far as is known, had they previously been wearing uniform.

(f) This is not a fact.

(2) Government do not propose to hold any further enquiry into these incidents.

Dr. Ziauddin Ahmad : Are the public provincial roads passing through cantonments also subject to cantonment rules ?

Mr. E. B. Howell : May I have notice of that question ?

CONFERENCE AT SIMLA ON RETRENCHMENT.

22. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that a conference was recently held in Simla to consider the subject of possible revision of salaries in view of the fall in prices, and of retrenchment generally ?

(b) Is it a fact that not a single Minister of any province was invited to attend ? If so, why ?

The Honourable Sir George Schuster : A conference was held in Simla in May last, to which representatives of the Home and Finance Departments of Provincial Governments alone were invited, as the problems for discussion concerned those Departments.

INDIANS, ANGLO-INDIANS AND EUROPEANS RETRENCHED FROM RAILWAYS AND GOVERNMENT DEPARTMENTS.

23. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly state separately the total number of Indians, Anglo-Indians, and Europeans dismissed or discharged from service on State Railways in India this year, as a measure of retrenchment, together with the amount of savings so effected under each head ?

(b) Will Government kindly give a similar statement for all Departments of Government ?

Mr. A. A. L. Parsons : I have called for certain information and will communicate with the Honourable Member on its receipt.

POLITICAL PRISONERS IN THE PROVINCE OF BIHAR AND ORISSA.

24. ***Mr. Gaya Prasad Singh :** What was the total number of political prisoners in the Province of Bihar and Orissa, how many were released as a result of the Gandhi-Irwin settlement, how many are still in jail, and why have they not yet been released ?

The Honourable Sir James Crerar : The number of persons serving sentences of imprisonment in Bihar and Orissa for offences in connection with the Civil Disobedience movement was, on March 5th, 1931, 3,083. All of these were released except 189. These 189 were not released because their cases did not come within the terms of the settlement. They were still undergoing imprisonment on the 31st July, 1931.

CENSORSHIP OF REPORTS OF THE CAWNPORE DISTURBANCES.

25. ***Mr. Gaya Prasad Singh :** Is it a fact that Press reports of the Cawnpore disturbances, or those of the Enquiry Committee, specially the reports relating to the number of casualties, were censored. If so, why ?

The Honourable Sir James Crerar : No censorship of any kind was exercised beyond the excision by the Collector of Cawnpore, from two telegrams addressed to local newspapers or organisations, of passages of a character which were in his opinion likely to inflame public feeling.

SPEECH BY THE GOVERNOR OF THE PUNJAB.

26. ***Mr. Gaya Prasad Singh :** Is it a fact that the substance of the speech which the Governor of the Punjab made immediately on the departure of Lord Irwin from India, relating to nationalist activity, was previously known to and approved of by the Government of India, or its members ?

The Honourable Sir James Crerar : The Honourable Member presumably refers to the speech delivered by His Excellency the Governor of the Punjab at Khushab on the 25th of April. The substance of this speech was not previously known to the Government of India, but His Excellency the Governor, before making the speech, ascertained that the general trend of it was in accordance with the views of the Government of India.

SMUGGLING OF OPIUM FROM NEPAL INTO BIHAR AND ORISSA.

27. ***Mr. Gaya Prasad Singh :** Will Government kindly state what steps, if any, have been taken to check the smuggling of opium from Nepal into the Province of Bihar and Orissa, and with what result (in reference to the reply of Government to my unstarred question No. 31 of the 4th September, 1928) ?

The Honourable Sir George Schuster : According to my information, the Nepal Government prohibited the production of opium in their territory except for medicinal purposes some time in the end of 1928.

The seizures of opium smuggled from Nepal into Bihar and Orissa have diminished considerably from about 7½ maunds in 1926-27, 3 maunds in 1928-29, to only 2 chhattacks in 1930-31.

RESIDENTIAL SEGREGATION IN MOMBASA.

28. ***Mr. Gaya Prasad Singh** : (a) Is it a fact that in Mombasa, there has been for many years a residential area reserved exclusively for Europeans ; and the Crown leases contained a specific stipulation to the effect that no Asiatic or African could reside there, except in the capacity of domestic servant of a European resident ?

(b) Is it a fact that the above restriction did not prevent Indians from bidding at the auction of Crown lands, and thus they came to acquire several plots, and put up residential buildings on them, and let the same to European residents ?

(c) Is it a fact that in July, 1928, the Commissioner for Lands for the first time, in a notification for a sale of Crown lands in the European area, added a further restriction forbidding the Asiatics and Africans from even bidding at the auction sales ?

(d) Are Government aware that Mr. Abdul Husein Kaderbhai challenged this action in a court of law ; and ultimately the Privy Council held that no Asiatic or African subject of the Crown could bid at, or purchase Crown lands, or reside in areas reserved for the Europeans ?

(e) Are Government aware of the declaration made by His Majesty's Government in 1923, issued in the form of a White Paper by the Duke of Devonshire, the then Secretary of State for the Colonies, in which it is stated that it is " the view of the competent medical authorities that, as a sanitation measure, segregation of Europeans and Asiatics is not absolutely essential for the preservation of the health of the community ; the rigid enforcement of sanitary, police, and building regulations, without any racial discrimination, by the Colonial and municipal authorities will suffice " ; and that " the policy of segregation as between Europeans and Asiatics in the townships must be abandoned " ?

(f) What steps have Government so far taken, or now propose to take, to secure definitely in actual practice, the abandonment of residential segregation in township areas, in view of the declaration of His Majesty's Government contained in part (e) above, and the decision of the Privy Council referred to in part (d) above ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). Yes. Some of the leases contained restrictive covenants of such a nature.

(c) Yes. But Government cannot say whether this was the first occasion on which bidding was restricted to a particular community.

(d) The answer to the first part is in the affirmative. The Privy Council held that the Commissioner for Lands had the power to impose restrictions as to bidding and user.

(e) Yes.

(f) The question of the abandonment of the policy of residential segregation as between Europeans and Asiatics in the townships in

East Africa formed the subject of prolonged correspondence between the Government of India and the Secretary of State after the publication of the White Paper of 1923. The situation, which has arisen as a result of the decision of the Privy Council, is under consideration.

COMMON ELECTORAL ROLL FOR THE KENYA LEGISLATIVE COUNCIL.

29. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the Government of India in their despatch No. 33, dated the 21st October, 1920, regarding the electoral roll for the Kenya Legislative Council, observed as follows :

“ We desire to reiterate our opinion that there should be a common electoral roll and a common franchise on a reasonable property basis, *plus* an educational test, without racial discrimination, for all British subjects. We believe that this is the true solution of the East African problem. We fear that separate representation for different communities will perpetuate and intensify racial antagonism. On the other hand, common electorate, whereby the member of one community would represent constituents of another community, would tend to moderate and compose racial differences ” ?

(b) Do Government propose to give effect to the above principle in the solution of the impending constitutional problem in India ?

The Honourable Sir George Rainy. (a) Yes.

(b) Government are unable to make any statement at present. As the Honourable Member is aware, this is one of the important matters that will be considered by the Indian Round Table Conference.

SCHEME FOR CLOSER UNION IN EAST AFRICA.

30. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly explain why they failed to place their views formulated in their despatch of November last before this House, regarding the scheme of a closer union of East Africa ?

(b) Are Government aware that some of the views expressed in that despatch are not supported by the Indian public opinion, either here, or in East Africa, particularly the views that (i) the Government have no objection to the scheme of closer union proposed in the White Paper, and (ii) in regard to the composition of the Central Council, which is to assist the High Commissioner, that “ at least one Indian should be appointed to it from each of the three territories to represent the interests of his community ” ?

(c) Are Government aware that the Indian demand is that half the un-official members nominated from each territory should be Indians ?

(d) Is it a fact that the number of Indian settlers in East African territories is about 27,000, while that of the white settlers is only 9,000 ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The East African question, so far as it concerns the Indian community settled in these territories, was placed on several occasions before the Standing Emigration Committee. The Committee consisted of Members from both Houses of the Legislature, and the leaders of all political parties were also invited to attend. The opinions expressed at these meetings proved most useful to Government in formulating their views. It is not clear what the Honourable Member means by stating that Government failed to place the despatch before this House.

(b) and (c). The despatch was sent on the 24th November 1930. The Government of India modified their views in certain respects in the light of subsequent events and instructed their spokesman, the Right Honourable V. S. Srinivasa Sastri, to communicate the changes to the Joint Select Committee of Parliament when he appeared for oral examination. The Committee was informed that the Government of India, instead of saying that they had no objection to the scheme of Closer Union which was proposed in the White Paper, would now say that they did not approve of the scheme but that, if the scheme were adopted, they would seek to make the safeguards proposed by them. As regards representation on the proposed Central Council and the Kenya Legislative Council, Mr. Sastri pointed out to the Committee that the Government of India were now of the opinion that African representation should be secured by appointment of natives or, if this was not advisable, then by the appointment of officials. In the event of neither of these alternatives being accepted, the Government of India suggested that Indians, in virtue of their special knowledge of the country, should be appointed equally with Europeans to represent the natives. The modified views of the Government of India were thus substantially in accord with the Indian public opinion, to which the Honourable Member has referred.

(d) The Honourable Member is presumably referring to Kenya only. According to the Census taken in 1926, there were 26,759 Indians and 12,529 Europeans in Kenya.

INDIANS REPATRIATED TO INDIA FROM ABROAD.

31. *Mr. Gaya Prasad Singh : (a) Will Government kindly lay on the table a statement, showing the number of repatriated Indians returned to India from abroad, during the last 5 years, or for such period for which the figures may be available, giving separately the territories abroad from which they returned, the provinces in India to which they belong, the steps taken by Government to meet their wants, and how they were settled in life ?

(b) With reference to the reply given by the Hon'ble Sir Fazl-i-Husain to a question put in the Council of State on the 25th September, 1929, that " Government are considering whether anything can be done to help the repatriates ", will the Hon'ble Member in charge kindly state if the consideration stage has passed, or still continues ; and if so, with what result ?

(c) Has the attention of Government been drawn to a " Report on the Emigrants Repatriated to India under the Assisted Emigration Scheme from South Africa, and on the Problem of Returned Emigrants from All Colonies ", by Bhawani Dayal Sannyasi, and Benarsidas Chaturvedi (15th May, 1931), depicting the miserable plight of the returned emigrants in India, and the need of urgent relief ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : A statement showing the number of Indian emigrants repatriated since 1928 is laid on the table. As regards the distribution according to provinces, information is not readily available, but the repatriates mostly belong to Madras and the United Provinces. Emigrants returning to Calcutta from the Colonies of Mauritius, Fiji, British Guiana, Trinidad and

Jamaica are received on arrival by the Protector of Emigrants. Some of them have taken up abode in or near Calcutta. The Protector of Emigrants tries to find work for those who are unemployed and sends to the charitable institutions those that are destitute or have been left stranded and helps the sick in being admitted into hospitals. As a result of the facilities offered by the Colonial Governments of British Guiana and Fiji, more than 500 persons were assisted to go back to these Colonies. An attempt to find an outlet for them in Malaya was not successful. As regards those who return from South Africa under the assisted emigration scheme, special arrangements have been made for their reception and for rendering them all possible assistance in banking their savings and finding employment suited to their aptitude and resources. The arrangements are in charge of the Director of Industries in the United Provinces and of the Registrar of Co-operative Societies in Bihar and Orissa. Emigrants returning to these provinces are first sent to Calcutta from Madras. Generally speaking, they have seldom expressed any desire to avail themselves of the facilities provided by Government. The majority of the repatriates from South Africa belong to the Madras Presidency and a Special Officer with necessary staff has been appointed to look after them. The working of this organisation formed the subject of an inquiry by Messrs. Natesan and Gray in April last year. A copy of their report will be found in the Library of the House.

(b) This part of the question apparently relates to the repatriates who have settled down at Matiabruz near Calcutta. The Government of Bengal recently made inquiries whether suitable employment could be found for any of them in the Public Works, Irrigation, Agriculture or Industries Departments, but it was not found possible to do anything in this direction.

(c) Yes.

Statement showing the number of Indians who were repatriated from the various colonies, etc., since 1928.

Year.	Name of colony, etc.							
	Mauritius.	Trinidad.	Fiji.	Jamaica.	British Guiana.	South Africa.	Malaya.	Ceylon.
1928	367	..	973	..	654	3,477	18,147	3,501
1929	112	938	653	..	..	1,328	6,731	3,212
1930 .. ..	..	..	642	425	520	1,012	77,761	7,472
1931 (up to end of July)	..	1,012	..	..	..	531*	32,456	10,705

* Does not include arrivals, if any, in Bombay during the month of July.

Mr. S. G. Jog : Looking to the financial stringency in India and the question of unemployment in India, will the Government start propaganda and advise the emigrants on the inadvisability of returning to India under the present circumstances ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I would gladly consider the possibility of moving in that direction if economic depression and financial troubles did not exist where these people are at present living.

Mr. S. G. Jog : Is not the position in India at present worse than in Africa ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : It would be very difficult to say.

Mr. C. S. Ranga Iyer : Are not the emigrants who come back to this country more unhappy in this country than they were in Africa ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : That is not a point on which either the Honourable Member or I can congratulate ourselves.

Mr. C. S. Ranga Iyer : Will it not be possible for the Government to warn these people of the circumstances that await them, if they were to come back to this country ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I should see particularly no harm in it. Only I find from these statements that from Malaya 32,456 people have come back already this year. In 1930, 77,761 had returned. Other people also have got no money and they do not want our labour.

Mr. Lalchand Navalrai : Will the Government not facilitate their coming over here ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : When the Sind Barrage Scheme is completed, things may be better.

Mr. Lalchand Navalrai : The Sind Barrage scheme is nearing completion. Does not the Honourable Member think that it is the duty of the Government to give them a warning and also give them facilities ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I do not quite understand what the Honourable Member means by giving facilities, unless it be that some money attraction is to be offered to them to come back to their homes.

Mr. Lalchand Navalrai : I should like to make their passage easy.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : By giving financial assistance or only by sentiment ?

Mr. Lalchand Navalrai : Financial assistance.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : That is worth consideration by the House.

Mr. Lalchand Navalrai : Will the Honourable Member consider that ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I am afraid that is beyond the function of the Honourable Member in charge of Indians overseas.

Mr. Lalchand Navalrai : May I request the Honourable Member to refer the matter to the Finance Member ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I will try to place the matter before the Retrenchment Committee, Sir.

Sir Hari Singh Gour : Before the Honourable Member considers the matter favourably, will he also consider how these men who come here from overseas are to live in this country ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I think that again will have to be referred to an economic committee of the House.

NON-REPRESENTATION OF THE PROVINCE OF BIHAR AND ORISSA ON THE EAST INDIAN RAILWAY ADVISORY COMMITTEE.

32. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the following Resolution passed by the First Bihar and Orissa Industrial Conference, which was opened by the Hon'ble Sir Mohammad Fakhruddin, Minister of Education, at Patna in April last (*vide Searchlight*, dated the 22nd April, 1931) :

“ This Conference protests against the practical non-representation of the Province (*i.e.*, Bihar and Orissa) in the East Indian Railway Advisory Committee. It urges that a Provincial Advisory Committee should be established immediately, or adequate representation of the Province be given on the Calcutta Committee ” ?

(b) What action, if any, is proposed to be taken in the matter ?

Mr. A. A. L. Persons : The reply to the first part of the question is in the affirmative. The matter is under consideration.

INDIAN AIR SERVICE FROM KARACHI TO CALCUTTA.

33. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly say when the Indian State Air Service from Karachi to Calcutta will begin to operate ; and what approximate time it will take between the two stations ?

(b) How many aeroplanes are required for this service, and how many Indian pilots have been, or are going to be engaged, and at what monthly salary ? How many European pilots are to be engaged ; and at what salary ?

(c) What are the landing places between Karachi and Calcutta on this regular service ; and what part of the route has been, or is going to be, equipped with facilities for night flying ; and how many passengers with what quantity of luggage will it be permissible to carry ?

(d) What is the total amount of expenditure incurred so far in Karachi, in the construction of aerodromes, hangars, night-flying arrangements, establishment, and other heads, to be separately shown ?

Mr. J. A. Shillidy : (a), (b) and (c). I regret that no information with regard to the Indian State Air Service can be given until Government have reached a decision on the recommendations of the Retrenchment Committee.

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(d) The total capital expenditure incurred so far in Karachi is Rs. 5,52,467 as detailed below :—

	Rs.
Cost of acquisition of land	1,22,180
Cost of preparation of ground	79,931
Cost of two hangars	1,78,325
Cost of other buildings, e.g., quarters for staff, etc. *	1,27,157
Cost of roads in the aerodrome	36,264
Cost of aerodrome equipment, e.g., first aid equipment, ambulances, fire extinguishers, weighing machines, etc.	8,610
	<hr/> 5,52,467 <hr/>

This does not include equipment for airships.

* (Night flying equipment has not been provided but some obstruction lights, the cost of which is included in this figure, have been installed.)

The recurring expenditure at Karachi Aerodrome, based on the estimate for 1931-32, is approximately as under :—

	Rs.
Staff	9,158
Buildings and Roads	2,120
Electric and Water services	9,870
Landing ground	3,865
Contingencies	1,740
	<hr/> 26,753 per annum. <hr/>

Mr. Gaya Prasad Singh : May I take it that the recommendations of the Retrenchment Committee will be laid on the table of the House before action is taken thereon ?

Mr. J. A. Shillidy : I will take that suggestion into consideration.

Mr. S. G. Jog : Are Government aware that there was a very trenchant criticism in the *Times of India* recently under the heading "Behind the smoke-screen of Simla" and that there were some personal attacks against the Finance Member with regard to the State Air Service ?

Mr. J. A. Shillidy : Will the Honourable Member show me the article ?

Mr. S. G. Jog : I have not got the exact date now, but I have already given the heading. I shall bring it to his personal notice.

• COMMUTATION OF DEATH SENTENCES.

34. ***Mr. Gaya Prasad Singh :** Will Government kindly state how many cases during the last 5 years came up for the exercise of the prerogative of mercy in cases in which the accused persons were sentenced to

capital punishment ; and in how many cases was the sentence of hanging commuted ?

The Honourable Sir James Crerar : During the period 1926 to 1930, the Government of India received petitions against the sentence of death under section 401, Criminal Procedure Code in 3,083 criminal cases and death sentences were commuted in the case of 60 persons. I have no information as to the number of such cases disposed of by Local Governments who have concurrent powers under that section.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to let the House know whether there is any move in the Government of India in the direction of the abolition of capital punishment ? Is there any correspondence which the Government of India may have conducted with Provincial Governments on the subject and which they can lay on the table ?

The Honourable Sir James Crerar : I would invite the Honourable Member's attention to the debate on the Bill which was moved during the last session by the Honourable Member opposite, Mr. Gaya Prasad Singh.

Mr. Gaya Prasad Singh : And which is coming on to-morrow.

Mr. Lalchand Navalrai : Will the policy of the Government be more liberal in future in regard to granting mercy ?

The Honourable Sir James Crerar : The Government of India in dealing with these petitions always adopt the greatest measure of leniency which the circumstances and ends of justice permit of, and that policy will continue.

DELAY IN OPENING OF THE THIRD CLASS BOOKING OFFICE AT PATNA JUNCTION RAILWAY STATION.

35. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to a letter published in the *Indian Nation* of Patna, dated the 26th May, 1931, complaining that the 3rd class Booking Office at Patna Junction (East Indian Railway) is opened only one hour before the arrival of a train, with the result that the rush at the booking window is terrible ?

(b) Is the 3rd class Booking Office at Patna Junction ordered to be open for 24 hours, or for what period ? And are Government aware that this complaint at Patna Junction has been persistent, and I have had to bring it up before the House ?

(c) What steps do Government propose to take to remove this complaint ?

Mr. A. A. L. Parsons : (a) Government have not seen the letter.

(b) Government have no information showing the periods for which booking offices are opened at the various stations, as these periods vary according to local conditions. But from the East India Railway Time Table in force from 1st March, 1931, it would appear that Patna is not one of the stations at which booking offices are opened throughout the day. As regards the latter part of this question, I presume the Honourable

Member refers to his question No. 7 which I answered on the 4th September, 1928, but this had reference to the number of booking clerks provided at Patna for the issue of third class tickets.

(c) A copy of the Honourable Member's question and this answer will be forwarded to the Agent of the East Indian Railway for such action as may be found to be required.

Pandit Ram Krishna Jha : Will the Honourable Member consider the advisability of making Patna one of those stations where booking can go on for 24 hours ?

Mr. A. A. L. Parsons : That is exactly the question which the Agent of the Railway will consider when he receives a copy of the Honourable Member's question and of the answer.

CREATION OF AN ALL-INDIA MEDICAL COUNCIL.

36. *Mr. Gaya Prasad Singh : (a) Is it a fact that a Medical Conference was held in Simla in June, 1930, to consider the question of the creation of an All-India Medical Council ? Why was not a single representative of the independent medical profession, invited to the Conference ?

(b) When do Government propose to undertake necessary legislation, or take other steps for the creation of an All-India Medical Council ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes. Medical Faculties of Indian Universities on which the independent medical profession is represented were requested to send representatives to the Conference, and three of these who attended it on behalf of the University Medical Faculties were actually independent medical practitioners.

(b) Government have drafted a Bill and circulated it to Local Governments for opinion. Further progress will depend on the nature of the replies received.

GOVERNING BODY OF THE INDIAN RESEARCH FUND ASSOCIATION.

37. *Mr. Gaya Prasad Singh : (a) Will Government be pleased to give the names of the members of the Governing Body of the Indian Research Fund Association, and indicate how many of them are officials, and how many non-officials ?

(b) What is the annual grant made by Government to this Association ; and do Government propose to appoint a suitable number of members of the independent medical profession, and of the Central Legislature to the Governing Body ? If not, why not ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) A statement is laid on the table. Seven of the members of the Governing Body are officials (including the President) and seven are non-officials.

(b) Rs. 7,50,000 at present. Members of the Central Legislature and the independent medical profession are already on the Governing Body, but the question of revising its composition is under consideration.

STATEMENT.

List of Members of the Governing Body of the Indian Research Fund Association.

1. The Honourable Khan Bahadur Mian Sir Fazl-i-Husain, K.O.I.E., Kt., President.
2. The Secretary to the Government of India, Department of Education, Health and Lands.
3. The Honourable Major General J. W. D. Megaw, C.I.E., K.H.P., I.M.S., Director General, Indian Medical Service.
4. Major General J. D. Graham, C.B., C.I.E., K.H.S., I.M.S., Public Health Commissioner (Secretary).
5. The Honourable Sir Phiroz Sethna, Kt., O.B.E., M.C.S.
6. Raja Bahadur G. Krishnamachariar, C.I.E., M.L.A.
7. Dr. Zia-ud-Din Ahmad, C.I.E., M.L.A.
8. Brevet-Colonel Sir S. B. Christophers, Kt., C.I.E., O.B.E., F.R.S., I.M.S. (Retired), Director, Central Research Institute, Kasauli.
9. Lieutenant-Colonel A. D. Stewart, I.M.S., Director-Designate, All-India Institute of Hygiene and Public Health, Calcutta.
10. Major G. Covell, I.M.S., Officiating Director, Malaria Survey of India, Kasauli.
11. Dr. Jivraj M. Mehta, Dean, Seth Gordhandas G. Medical College, Parel, Bombay.
12. Rao Bahadur Dr. A. L. Mudaliar, B.A., M.D.
13. Rajah Sahib of Parlakimedi.
14. One eminent non-medical Scientist to be nominated by the Governor General.

QUALIFICATIONS OF CANDIDATES FOR THE INDIAN MEDICAL SERVICE.

38. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the Secretary of State for India issued a regulation many years ago that all candidates who want to enter the Indian Medical Service, should possess a medical qualification registerable in England ? If so, why ?

(b) Do Government propose to take necessary steps to have this restriction removed ? If not, why not ?

Mr. G. M. Young : (a) Yes, in 1865. The object of the rule is to ensure an adequate professional standard in the Indian Medical Service.

(b) Government are considering whether any modification of the rule has become necessary or desirable in consequence of the fact that Indian medical qualifications have ceased for the time being to be registrable in the United Kingdom.

REFUSAL OF A PASSPORT TO ENGLAND TO THE CHIEF REPORTER OF THE *Hindustan Times*.

39. ***Mr. Gaya Prasad Singh :** Is it a fact that Mr. Chaman Lal, Chief Reporter of the *Hindustan Times*, applied for a passport to go to England with Mahatma Gandhi, and report the activities in connection with the Round Table Conference for his paper ; but he has been refused the passport ? If so, why ?

The Honourable Sir James Crerar : Yes. From the information in possession of Government regarding his past and recent activities, it is undesirable that a passport be granted.

Mr. Gaya Prasad Singh : Will Government kindly indicate the nature of the activities referred to of this particular individual ?

The Honourable Sir James Crerar : I am afraid I cannot indicate in detail the nature of those activities, but I assure the Honourable Member that it was after a very careful examination of the case that Government came to the conclusion that the action was justified.

Mr. K. Ahmed : Is it the same Mr. Chaman Lall who dropped on the head of the then Finance Minister, Sir Basil Blackett, an attache case from the Press Gallery ?

The Honourable Sir James Crerar : Yes, Sir.

INDIAN HOSTEL IN JERUSALEM.

40. ***Kunwar Hajee Ismail Ali Khan :** (a) Are Government aware that there is one Indian Hostel known as Zawiat-ul-Hanood in Jerusalem which was built by the Moghal Emperors for the free use of Indian pilgrims ?

(b) Will Government kindly inform the House who is in charge of the building now and who is bearing the expenses for its maintenance ?

(c) Are the Government of India contributing anything towards its maintenance ?

(d) Is it under the control of the Palestine Government or the Government of India ?

(e) Will Government kindly inform the House what is the present condition of its building ?

(f) Are the Indian pilgrims staying there free ?

Mr. E. B. Howell : (a) There is an Indian hostel known as the Zawiat-ul-Hanood in Jerusalem.

(b) Sheikh Nazir Hasan Ansari, of Saharanpur, in the United Provinces is in charge of the building. The cost of maintenance of the Sheikh and of the pilgrims is paid from the revenues of certain Waqf properties belonging to the Hostel. The Sheikh in charge of the building also receives a monthly salary of pounds Palestinian 9 and 860 mills from the Palestinian treasury and pounds Palestinian 1 and 600 mills from the Moslem Waqf Department.

(c) No.

(d) The Hostel is under the control of the Supreme Moslem Council.

(e) The building is reported to be very old and to require substantial repairs.

(f) Indian pilgrims are provided with accommodation and food in the Hostel free of charge.

INDIAN PILGRIMS TO THE HEDJAZ.

41. ***Kunwar Hajee Ismail Ali Khan :** (a) Will Government kindly inform the House what is the total number of Indian pilgrims who went this year to the Hedjaz from each of the Indian ports ?

(b) What is the total number of those pilgrims who went to the Hedjaz this year *via* the Persian Gulf ?

(c) What is the total number of Indian pilgrims who died this year during their voyage and how many in the Hedjaz ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) 7,263 Indian pilgrims went to the Hedjaz during the last Haj season, of whom 4,300 sailed from Bombay, 2,604 from Karachi, and 359 from Calcutta.

(b) The High Commissioner in Iraq reports that only 27 Indian pilgrims proceeded to the Hedjaz this year *via* Iraq. This figure does not include pilgrims by the cross-Arabia route from Bahrein or Kuwait, the number of whom is always insignificant.

• (c) Two Indian pilgrims died during the outward voyage and about 70 in the Hedjaz.

INDIAN LABOURERS IN CEYLON.

42. ***Mr. C. S. Ranga Iyer :** (a) Has the attention of Government been drawn to an account of the "Special interview" published in a daily newspaper of Madras called *The Hindu* in its issue of the 25th May, 1931, under the title "Indian Labourers in Ceylon" on page 10 of the said paper ?

(b) Is it a fact that the wages of Indian labourers in the tea estates is being reduced ?

(c) If the answer to part (b) is in the affirmative, is the reduction being made on the ground that prices have gone down ?

(d) Is it a fact that the Ceylon Tea Company in London had declared a thirty-five per cent. dividend ?

(e) Is it a fact that the Chairman of the Board of Directors said that they were trying with the consent of the Ceylon Government to reduce the wages of Indian labourers ?

(f) Has the Government of India protested against the said procedure ?

(g) If not, why not ? If yes, when ?

(h) Are Government aware that Pundit Jawaharlal Nehru described the said reduction of wages as "monstrous" ?

(i) Are Government further aware that the opinion of Pundit Jawaharlal Nehru is shared by the public of the Madras Presidency which is the recruiting field for Ceylon labour ?

(j) Are Government aware that Indian labourers in Ceylon are not popular with Ceylon labourers ?

(k) Are Government aware that Ceylon labourers felt that Indian labourers lowered the former's standard of living ?

(l) Is it a fact that the reduction sought in the above said wages of the said Indian labourers is of the legal minimum wage fixed by law ? If so, what is the legal minimum wage and what is the present reduction sought ?

(m) Has the attention of Government been drawn to the statement of Pundit Jawaharlal Nehru in the above said interview, "He had no doubt if the Government of India so choose they could improve the condition of Indian labour" in Ceylon ?

(n) What steps have the Government of India taken to improve the condition of Indian labourers in Ceylon ?

(o) Will Government be prepared to take steps to stop Indian labour from proceeding to Ceylon until labour wages and conditions are made satisfactory ? If not, why not ?

(p) Has any correspondence passed between the Government of India and the Government of Ceylon on the subject and with what result ?

(q) Will Government be pleased to make a full statement on the subject of Indian labour to Ceylon answering points raised in parts (a) to (p), and Government efforts, if any, to mitigate the condition of the said labour ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes.

(b), (c), (f), (g), (l), (p) & (q). The following minimum rates of wages for Indian estate labourers were introduced in Ceylon with effect from the 1st January, 1929 :—

			<i>Men.</i>	<i>Women.</i>	<i>Children.</i>
			Cents.	Cents.	Cents.
Up-country	..	..	54	43	32
Mid-country	..	..	52	41	31
Low-country	..	..	50	40	30

When these wages were fixed, it was arranged, that good clean unbleuded rice should also be issued to each Indian labourer at a cost not exceeding Rs. 6.40 per bushel at a monthly rate of not less than $\frac{4}{5}$ ths of a bushel for a man, $\frac{6}{8}$ ths of a bushel for a woman and $\frac{3}{5}$ ths of a bushel for a child. Owing to a fall in the market price of rice, the Ceylon Government approached the Government of India in April last with a proposal that the issue price of rice should be fixed at Rs. 4.80 per bushel and that a corresponding reduction should be made in the standard wages by 5, 4 and 3 cents per day for men, women and children respectively. The Government of India were satisfied that the proposal amounted only to a re-adjustment of wages and caused no reduction in the effectual earnings of the labourers. They accordingly gave their consent to it. The Ceylon Government then summoned Estate Wages Boards for the re-assessment of wages owing to the fall in the general cost of living. It is understood that the suggestions put forward by these Boards have been considered by the Board of Indian Immigrant Labour, but the Government of India have not yet received any communication on the subject from the Colonial Government. They are in close touch with the situation through their Agent and will do all they can to safeguard the interests of the Indian labourer in Ceylon.

(d) The Honourable Member is presumably referring to a Ceylon Tea Company in London known as "The Newara Eliya Tea Estates Company" which declared a dividend of 37 per cent. this year. The properties of this Company are situated in the very highest and best tea districts in Ceylon.

(e) It was one of the Directors who had recently visited Ceylon, and not the Chairman who referred to the proposal for the reduction of minimum wages. The exact words used by him were these :—

"When wages were standardised by Government, the Ordinance linked the rate of pay with the cost of living, the one being dependent on the other. The cost of living

has fallen materially and I am glad that Government have agreed to that question being inquired into with the idea of putting the wage rates more into relation with the reduced cost of living."

(h) Yes.

(i) Government have no information.

(j) No. There is no ill-feeling. Indian estate labourers, especially on tea estates, fill a void which local labour in Ceylon is unable to fill.

(k) No. On the contrary, the regulations for minimum wage, housing, medical aid, etc., for the Indian labourers are likely to raise the standard of living of the Ceylon labourer as well.

(m) Yes.

(n) The attention of the Honourable Member is invited to the annual reports of the Agent of the Government of India in Ceylon for the years 1925 to 1930, copies of which will be found in the library of the House.

(o) Recruitment for rubber estates in Ceylon has entirely ceased, while in the case of tea estates fresh recruiting licenses are not issued, unless special reasons are shown. The Government of India do not consider that any further steps are needed to restrict emigration to that country.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if the Government of India have secured the opinion of the non-official Members of the Ceylon Government with regard to the reduction in the wages of labourers ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I thought I had made it clear that there were well recognised institutions on both sides which went into these matters and our Agent keeps himself in touch with them.

Mr. Lalchand Navalrai : What I want to know from the Honourable Member is with regard to the opinion of the non-official Members of the Ceylon Government itself.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : That will have to be ascertained.

Mr. Lalchand Navalrai : Thank you.

UNSTARRED QUESTIONS AND ANSWERS.

DEPRESSION IN THE WOOLLEN INDUSTRY.

1. **Lala Rameshwar Prasad Bagla :** Will Government be pleased to state :

(a) whether they are aware of the serious depression in the woollen trade ;

(b) whether they are aware that the condition of the woollen mills is very serious and precarious ;

- (c) whether they have received several representations and applications from the woollen mills either individually or jointly about the state of the woollen industry ;
- (d) if so, when and from whom ;
- (e) whether a joint representation has been received from several woollen mills ;
- (f) if so, when and the names of the mills which have sent the representation ;
- (g) whether Government intend to take any steps to protect the woollen textile industry ; and
- (h) if so, what action they propose to take in this matter and when ?

The Honourable Sir George Rainy : The Government have received representations on the subject of the depression in the woollen industry individually from the following mills :

- (1) Maharani Woollen Mills, Limited.
- (2) Indian Woollen Mills.
- (3) Kaiser-i-Hind Woollen, Cotton and Silk Mills, Limited.
- (4) Sir Shapurji Broacha Mills, Limited, 70489

and jointly from the following :

- (1) Maharani Woollen Mills, Limited.
- (2) Indian Woollen Mills.
- (3) Kaiser-i-Hind Woollen, Cotton and Silk Mills, Limited.
- (4) Raymond Woollen Mills, Limited.
- (5) Bombay Woollen Manufacturing Company, Limited.
- (6) Bangalore Woollen, Cotton and Silk Mills Company, Limited.

The individual representations were received at different times during the period from December 1929 to March 1930, and the joint representation was received in December 1930. The Government have not yet come to a decision on these representations, but they expect to reply to them at an early date.

CONDITION OF WOOLLEN MILLS IN INDIA.

2. Lala Rameshwar Prasad Bagla : Will Government be pleased to state :

- (a) the number of woollen mills in India in the year 1913, 1920, and 1930 ;
- (b) the total authorised and paid up capital of all these woollen mills in the years 1913, 1920, and 1930 ;
- (c) the number of woollen mills which have gone into liquidation since the year 1920 ;
- (d) the number of woollen mills which may not have gone into liquidation but which are closed since the year 1920 ; and

- (e) the total amount of the capital and reserve lost by such mills which have gone into liquidation as well as by reduction of capital ?

The Honourable Sir George Rainy : Complete information regarding the woollen mills in India for the year 1930 is not yet available. I therefore give figures up to and for the year 1929 so far as available.

(a) 1913	..	..	..	7
1920	..	..	..	8
1929	..	..	..	15

(b) *Authorised capital—*

Rs. (000).

1913	..	53,00 (for five mills only).
1920	..	51,75 (for four mills only).
1929	..	2,36,75 (for seven mills only).

Paid up capital—

Rs. (000).

1913	..	Not available.
1920	..	36,50 (for three mills only).
1929	..	1,22,73 (for nine mills only).

- (c) Four up to the end of 1929 ; of these one was subsequently amalgamated with another limited company.
- (d) Three.
- (e) Paid up capital lost up to the end of 1929 amounts to Rs. 61,15,000. This excludes the paid up capital of Rs. 26,50,000 of one mill which was amalgamated with another limited concern after going into voluntary liquidation. Government have no information regarding the amount of reserve lost by the mills which have gone into liquidation nor have they information as to the amount lost by reduction of capital.

APPOINTMENT TO THE IMPERIAL DEPARTMENT OF AGRICULTURE OF CANDIDATES FROM THE IMPERIAL INSTITUTE OF AGRICULTURAL RESEARCH, PUSA.

3. Lala Rameshwar Prasad Bagla : (a) Is it a fact that the training given at the Imperial Institute of Agricultural Research, Pusa, is regarded by the Government of India as adequate qualification for class I and class II appointments in the Imperial Department of Agriculture ?

(b) How many appointments have been made to the staff of the Imperial Department of Agriculture in class I and class II grades in the last two years and to what sections ?

(c) How many applications were received for these posts from qualified candidates who had been trained at Pusa ?

(d) How many qualified candidates trained at Pusa were appointed and to what sections ?

(e) Are the Government of India prepared to give preference to qualified candidates who have received training at Pusa in making appointments to the staff of the Imperial Department of Agriculture ?

(f) If the selection of candidates for such posts is referred to the Public Service Commission, are the Government of India prepared to issue instructions that the selection should be made from candidates at Pusa where such candidates are available ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes, provided the candidate is of the right calibre.

(b) and (d). None. Two posts, one of Second Economic Botanist (Class I) in the Botanical Section and the other of a Class II Assistant in the Mycological Section, were advertised recently and candidates selected through the Public Service Commission, but no appointments have yet been made.

(c) Three out of 21 applicants for the post of Second Economic Botanist and 6 out of 30 for the post of Class II Assistant, Mycological Section, had undergone post-graduate training at Pusa.

(e) and (f). In view of the national importance of the Pusa research work, it is essential that only the best available candidates should be appointed to its superior staff. Government are not prepared, therefore, to give any kind of preference to Pusa-trained students, though such students will be eligible for appointment, on the basis of merit and qualifications, equally with other candidates.

RECOMMENDATIONS OF DRUG COMMITTEES.

4. **Mr. Gaya Prasad Singh :** Will Government be pleased to supply :

- (a) the summary of the recommendations of the Indigenous Drugs Committee appointed in 1895, and of the Drugs Manufacture Committee appointed in 1918, and the reason for their dissolution ;
- (b) the numbers and names of Indian drugs, recommended for use, and the names and numbers of drugs investigated and manufactured by the Government's Stores and the names of drugs whose cultivation was recommended by the foregoing Committees ; and
- (c) information as to any other Drug Committee appointed by the Government of India during the last 50 years, and the recommendations made by them ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Indigenous Drugs Committee appointed in 1895 did not make any final recommendations ; it was dissolved in 1920 as the functions which it was intended to perform came within the scope of the operations of the Drugs Manufacture Committee, which was appointed in 1919. This latter Committee made certain recommendations, a summary of which is appended. The meetings of this Committee were adjourned *sine die* in 1924 on account of financial stringency.

(b) It is not the function of the Medical Stores Department to recommend the use of Indian drugs or to investigate them. 255 drugs are manu-

factured in Medical Store Depots ; their names will be found in the enclosed statement. Neither the Committee of 1895 nor the Committee of 1919 recommended the cultivation of any drugs.

(c) The only other Drugs Committee appointed during the last 50 years is the Drugs Enquiry Committee which was set up in 1930. The report of this Committee is at present being printed and has not yet been considered.

Summary of the recommendations of the Drugs Manufacture Committee established in 1919 so far as drugs are concerned.

(i) Government should appoint without delay at least one out of the three botanists recommended by the Sub-Committee of the Board of Scientific Advice for assisting in obtaining a supply of the variety of *Artemisia Maritima* which yields the valuable and scarce drug Santonin.

(ii) A list of drugs in the British Pharmacopœia derived from purely mineral sources should be prepared for the Director, Geological Survey, who should report as to the possibility of obtaining the necessary raw materials in India.

(iii) The Chief Conservator of Forests, Kashmir, should be advised to export to England and to offer to the Director-General of Stores the quantity of *Artemisia Brevifolia* which he proposed to collect during the season in 1921.

(iv) If *Artemisia Brevifolia* was found in the Darjeeling District in quantity, arrangements should be made with the Director, Botanical Survey of India, for a preliminary extraction of Santonin to be carried out in the quinine factory at Mungpoo.

(v) Exports of *Artemisia Brevifolia* from Indian States, etc., and from zamindari land should not be restricted until it was found that India's requirements and the requirements of the Imperial Government could not be found from other sources, e.g., Government land.

(vi) The Santonin extracted by the Advisory Chemist should be submitted to tests for its therapeutic action.

(vii) The *Digitalis* leaf obtained from the Government cinchona plantations, Nilgiris, the Botanic Gardens, Ootacamund, and the Superintendent of Cinchona Cultivation, Bengal, should be sent to the Medical Store Depot, Madras, for the preparation of tincture from each sample and tested physiologically.

List of drugs manufactured in Medical Store Depots.

1. Acetum Scillæ.
2. Acidum Aceticum.
3. Acidum Hydrocyanicum dilutum.
4. Acidum Phosphoricum dilutum.
5. Acidum Sulphuricum Aromaticum.
6. Amylum (Starch).
7. Antiseptic solution.
8. Argenti Nitras (crystals).
9. Argenti Nitras Induratus.
10. Calcii Chloridum.
11. Camphorodyne.
12. Chirata pulvis.
13. Collodium Flexile.
14. Confectio Piperis.
15. Confectio Sennæ.
16. Confectio Sulphuris.
17. Creta Præparata.
18. *Digitalis foliorum pulvis.*

19. *Emplastrum Ammoniacicum Hydrargyro.*
20. *Emplastrum Belladonnæ.*
21. *Emplastrum Cantharidini.*
22. *Emplastrum Hydrargyri.*
23. *Emplastrum Plumbi.*
24. *Emplastrum Resinæ.*
25. *Emplastrum Resinæ (spread).*
26. *Emplastrum Saponis.*
27. *Extractum Belæ Liquidum.*
28. *Extractum Belladonnæ Liquidum.*
29. *Extractum Belladonnæ Siccum.*
30. *Extractum Cannabis Indicæ.*
31. *Extractum Cascaræ Sagrada Liquidum.*
32. *Extractum Cascara Sagradæ siccum.*
33. *Extractum Colocythidis Co.*
34. *Extractum Ergotæ.*
35. *Extractum Ergotæ Liquidum.*
36. *Extractum Gentianæ.*
37. *Extractum Glycyrrhizæ liquidum.*
38. *Extractum Hamamelidis liquidum.*
39. *Extractum Hydrastis Liquidum.*
40. *Extractum Hyoseyami.*
41. *Extractum Jaborandi liquidum.*
42. *Extractum Nucis Vomiceæ liquidum.*
43. *Extractum Nucis Vomiceæ siccum.*
44. *Extractum Opii liquidum.*
45. *Extractum Sarsæ liquidum.*
46. *Extractum Starmonii.*
47. *Extractum Viburni liquidum.*
48. *Ferri Carbonas Saccharatus.*
49. *Ferri Phosphas Saccharatus.*
50. *Ferri Sulphas Exsiccatus.*
51. *Fly Spray.*
52. *Fly Spray (concentrated).*
53. *Gentianæ Radix pulvis.*
54. *Horse Balls, Aloe, 110 grains each.*
55. *Horse Balls, Ammonii Carbonas, 110 grains each.*
56. *Horse Balls, Chloral Hydras, 240 grains each.*
57. *Horse Balls—Stimulating balls.*
58. *Hydrargyri Iodidum Rubrum.*
59. *Hydrargyri Oxidum Flavum.*
60. *Hydrargyrum Ammoniatum.*
61. *Hydrargyrum cum Creta Saccharata.*
62. *Hydrargyrum Oleatum.*
63. *Ipecacuanhæ Radix pulvis.*
64. *Lassar's paste.*
65. *Linimentum Aconiti.*
66. *Linimentum Belladonnæ.*
67. *Linimentum Camphoræ Ammoniatum.*
68. *Linimentum Chloroformi.*
69. *Linimentum Opii.*
70. *Linimentum Saponis.*
71. *Linimentum Terebinthinæ.*
72. *Liquor Ammonia.*

73. Liquor Ammonia Fortis.
74. Liquor Ammonii Acetatis.
75. Liquor Arsenicalis.
76. Liquor Arsenici Hydrochloricus.
77. Liquor Arsenii et Hydrargyri Iodidi.
78. Liquor Bismuthi et Ammonii Citratis.
79. Liquor Epispasticus.
80. Liquor Ferri Perchloridi Fortis.
81. Liquor Morphina Hydrochloridi.
82. Liquor Picis Carbonis.
83. Liquor Plumbi Subacetatis Fort.
84. Liquor Potassæ.
85. Liquor Strychnina Hydrochloridi.
86. Liquor Zinci Chloridi.
87. Lysol.
88. Magnesii Carbonas Levis.
89. Mel Depuratum (purified honey).
90. Mistura pro Diarrhæa.
91. Mistura Sennæ Co.
92. N. C. I. powder (antivermin).
93. Nucis Vomica pulvis.
94. Oleum Anethi.
95. Oleum Caryophylli.
96. Oleum Crotonis.
97. Oleum Ricini.
98. *Omum Water.
99. Oxymel Scilla.
100. Paraffin Citronella oil.
101. Paraffinum Molle, antiseptic.
102. Paraffinum Molle, medicated.
103. Pil Aloes et Asafetida, in mass.
104. Pil Aloes et Ferri, in mass.
105. Pil Aloes et Myrrha.
106. Pil Calomel, Compound Rhubarb and Colocynth (2 grains of each).
107. Pil Cholera without Opium (4 grains).
108. Pil Colocynthidis et Hyoscyami, 4 grains.
109. Pil Digitalis Co. (Guy's pill), 3 grains.
110. Pil Gallie Acid and Opium, 4 grains.
111. Pil Ipecacuanha et Opii, 3½ grains.
112. Pil Ipecacuanha et Scilla, in mass.
113. Pil Opii, 1 grain.
114. Pil Opium, Capsicum, Camphor, Pepper and Asafetida, ½ grain of each (Pil Opii Co.).
115. Pil Plumbi cum Opio, 4 grains.
116. Pil Plumbi cum Opio, in mass.
117. Pil Rhei Co., in mass.
118. Pil Scilla Co., 4 grains.
119. Pulvis Cretæ Aromaticus.
120. Pulvis Cretæ Aromaticus cum Opio.
121. Pulvis Glycyrrhizæ Co.
122. Pulvis Ipecacuanha Co.
123. Pulvis Jalapæ Co.
124. Pulvis Kino Co.

*Stocked at Madras Depot only.

125. Pulvis Rhei Co.
126. Pulvis Tragacanthæ Co.
127. Rhei Rhizoma Pulvis.
128. Santoninum.
129. Sapo Mollis.
130. Sodii Carbonas Exsiccatas.
131. Sodii Chloridum.
132. Sodii Hydnocarpas.
133. Sodii Morrhuas.
134. Sodii Sulphas Exsiccatas.
135. Spiritus Aetheris.
136. Spiritus Aetheris Nitrosi.
137. Spiritus Ammonia Aromaticus.
138. Spiritus Chloroformi.
139. Syrupus Aurantii.
140. Syrupus Calci Hypophosphitis.
141. Syrupus Ferri Iodidi.
142. Syrupus Ferri Phosphatis Co.
143. Syrupus Ferri Phosphatis cum Quinine et Strychina (Easton's Syrup).
144. Syrupus Scilla.
145. Syrupus Tolutanus.

Tablets Disinfectant.

146. Acidum Boricum, 5 grains.
147. Potassii Permanganas, 2 grs.
148. Sodii Carbonas, Exsiccatas, 22 grs.

Tablets Intravenous.

149. Saline Compound, 36½ grs.
150. Sodium Chloride, 30 grs., Calcium Chloride, 1 gr.
151. Sodium Chloride, 40 grs.

Tablets Medicinal.

152. Acidum Acetyl Salicylic, 5 grs.
153. Ammonii Carbonas, 5 grs.
154. Bismuthi Salicylas, 10 grs.
155. *Cholera.
156. Hydrargyri Subchloridum, 20 grs. (Veterinary), (Yellow).
157. Hydrargyri Subchloridum, 1 gr.
158. Phenacetinum, 5 grs.
159. Phenacetinum, 4 grs. et Caffeina, 1 gr.
160. Piumbi Acetas, 18 grs. (Veterinary), (Yellow).
161. Potassii, Bromidum, 10 grs.
162. Potassii Chloras, 5 grs.
163. Potassii Iodidum, 5 grs.
164. Potassii Permanganas, Salol coated, 2 grs.
165. Pulvis Cretæ Aromaticus cum Opio, 5 grs.
166. Pulvis Ipecacuanhæ, 5 grs.
167. Pulvis Ipecacuanhæ Co., 5 grs.
168. Pulvis Rhei Co., 5 grs.
169. Quininæ Hydrochloridum Acidum, 5 grs.
170. Quininæ Sulphus, 2 grs.
171. Quininæ Sulphus, 5 grs.

*Stocked at Madras Depot only.

172. Santonin, 1 gr.
173. Sodii Bicarbonas, 5 grs.
174. Sodii Salicylas, 5 grs.
175. Trional, 5 grs.
176. Zinci Sulphas, 18 grs. (Veterinary), (Yellow).
177. Argenti Nitras, 5 grs.
178. Soda Mint.
179. Tinct. Aconite, 1 minim.
180. Tinct. Digitalis, 5 minims.
181. Tinct. Nux Vomica, 10 minims.
182. Vinum Ipecacuanhæ, 5 minims.
183. Bismuthi Subnitras, 10 grs.
184. Pulvis Jalapæ Co., 5 grs.
185. Sulphonal, 5 grs.
186. Zinci Sulphas, 1 gr.

Tablets Ophthalmic.

187. Talc, purified.
188. Tinctura Aconiti.
189. Tinctura Alæs.
190. Tinctura Arnicæ Florum.
191. Tinctura Asafœtidæ.
192. Tinctura Aurantii.
193. Tinctura Belladonnæ.
194. Tinctura Benzoini Co.
195. Tinctura Buchu.
196. Tinctura Calumbæ.
197. Tinctura Camphoræ Co.
198. Tinctura Cannabæ Indicæ.
199. Tinctura Capsici.
200. Tinctura Cardamomi Co.
201. Tinctura Chirata.
202. Tinctura Catechu.
203. Tinctura Chloroformi et Morphine Co.
204. Tinctura Cinchonæ Co.
205. Tinctura Cinnamomi.
206. Tinctura Colchici.
207. Tinctura Digitalis.
208. Tinctura Ferri Perchloridi.
209. Tinctura Gelsemii.
210. Tinctura Gentianæ Co.
211. Tinctura Guaiaci Ammoniata.
212. Tinctura Hydrastis.
213. Tinctura Hyoscyami.
214. Tinctura Iodi Fortis.
215. Tinctura Iodi Mitis.
216. Tinctura Kino.
217. Tinctura Lavandulæ Co.
218. Tinctura Lobeliæ Aetherea.
219. Tinctura Myrrhæ.
220. Tinctura Nucis Vomice.
221. Tinctura Opii.
222. Tinctura Podophylli.
223. Tinctura Pruni Virginianæ.

224. Tinctura Quassiae.
225. Tinctura Quininae Ammoniate.
226. Tinctura Rhei Co.
227. Tinctura Scilla.
228. Tinctura Senegae.
229. Tinctura Sennae Co.
230. Tinctura Stramonii.
231. Tinctura Strophanthi.
232. Tinctura Valerianae Ammoniate.
233. Tinctura Zingiberis.
234. Unguentum Acidi Borici.
235. Unguentum Creosoti.
236. Unguentum Gallae cum Opio.
237. Unguentum Hydrargyri.
238. Unguentum Hydrargyri Ammoniate.
239. Unguentum Hydrargyri Nitratis.
240. Unguentum Hydrargyri Oleati.
241. Unguentum Hydrargyri Oxidi Flavi.
242. Unguentum Ichthyol.
243. Unguentum Picis Liquidæ.
244. Unguentum Resinae.
245. Unguentum Sabinæ.
246. Unguentum Sulphuris.
247. Unguentum Zinci.
248. Vermijelly (Antivermin ointment).
249. Vinum Antimoniale.
250. Vinum Colechici.
251. Vinum Ferri Citratis.
252. Vinum Ipecacuanhæ.
253. Zinci Carbonas.
254. Zinci Sulphas.
255. Zingiberis Pulvis.

CULTIVATION OF DRUGS IN INDIA.

5. **Mr. Gaya Prasad Singh :** Are Government aware that half the drugs in the British Pharmacopœia are indigenous to India, and nearly the whole of the rest could be cultivated or exploited as stated by Sir David Hooper, F.I.C. ; if so, will Government be pleased to state what steps have been taken by them to cultivate any of the drugs, and the names of drugs which are being cultivated under their authority ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : About half the vegetable drugs of the British Pharmacopœia are indigenous to India. It is doubtful whether all or most of the others can be cultivated or exploited at a profit. Government have cultivated or helped in the exploitation of the following :

Cinchona,
 Ipecacuanha,
 Digitalis,
 Atropa Belladonna,
 Hydrastis,
 Lycopodium,

Felix-mas,
Artemisia (for *Santonin*),
Scilla,
Jalap.

The steps taken to cultivate each drug are indicated below :

Cinchona is being cultivated successfully in the plantations of the Government of India in Burma and in the plantations of the Local Governments in Bengal and Madras.

Ipecacuanha is being cultivated successfully in the Burma and Bengal *Cinchona* Plantations.

Digitalis was successfully cultivated for a number of years in the Bengal and Madras Plantations, but as the demand had ceased, its cultivation was given up last year.

Atropa Belladonna was also successfully cultivated as long as there was a demand.

Hydrastis was grown one year in Bengal but was not a success.

Lycopodium is still being collected and sold by the Bengal *Cinchona* Plantation.

Felix-mas was also collected as long as there was a demand for it.

The possibilities of *Artemisia* and *Scilla* are being investigated and an officer of the Botanical Survey of India has been deputed to the North-West Frontier Province to assist in the work.

Jalap has long been cultivated by the Madras *Cinchona* Plantation, but the demand has practically ceased.

DRUGS AVAILABLE IN INDIA PURCHASED BY GOVERNMENT MEDICAL STORES.

6. **Mr. Gaya Prasad Singh** : Will Government be pleased to state the names and cost of drugs available in India, which are being purchased every year by the Government Medical Stores of different provinces ?

Mr. G. M. Young : The Government of India have no information as regards drugs purchased by Local Governments. I will furnish the Honourable Member separately with a list showing the names and cost of drugs available in India which are purchased annually by the Medical Store Depots under the control of the Central Government. The list contains 140 different items. Their total cost is Rs. 8,97,743.

RESEARCHES INTO THE ACTION OF INDIAN DRUGS.

7. **Mr. Gaya Prasad Singh** : (a) Will Government be pleased to state the researches into the action of Indian drugs undertaken by the bacteriological and other institutes established in the different provinces, and by the Indian Science Institute of Bangalore and other science institutes in India ?

(b) Do Government propose to undertake the publication of an Annual Report of Researches into indigenous drugs and therapeutic substances made in the various Government and university and private

institutes in India for the information of the medical profession, chemists, and the public ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Researches into indigenous Indian drugs have been carried out in recent years principally at the Pharmacological Sections of the School of Tropical Medicine and Hygiene, Calcutta, and the Haffkine Institute, Bombay. Full information regarding them is contained in the Indian Journals of Medical Research and in the Annual Reports of the Governing Body, and Scientific Advisory Board, Indian Research Fund Association, to which the Honourable Member is referred.

In addition, the Indian Institute of Science, Bangalore, has investigated many indigenous drugs from the chemical, though not from the physiological point of view ; accounts of the work are given in the institution's Journal.

(b) The answer is in the negative.

CHEMICAL PREPARATIONS MANUFACTURED IN INDIA.

8. Mr. Gaya Prasad Singh : (a) Will Government be pleased to state how many of the inorganic chemical preparations of the British Pharmacopœia are now being manufactured in India, and to what extent the Central and Local Governments purchase the same and encourage such Indian industries ?

(b) Will Government be pleased to state the percentage of drugs and other preparations analysed by Government officers and condemned by them as adulterated, deteriorated or misbranded for the last 10 years, and what steps Government have taken to ensure purity and potency of the drugs supplied to the Government's hospitals, dispensaries, the Army, etc. ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Medical Stores Depots of the Central Government at present manufacture in India about 36, and purchase about 17 inorganic chemical preparations of the British Pharmacopœia in this country. Government have no further information and are not aware to what extent Local Governments manufacture or purchase such preparations in India for themselves.

(b) No information is available as to the percentage of drugs condemned on analysis by Government officers, whether belonging to the Medical Stores Depots or serving under Local Governments or as to the steps taken by Local Governments to ensure the purity of drugs supplied to them and their institutions. All drugs supplied by the Medical Stores Depots are, however, fully tested either by Chemists of the Depots or by Chemical Examiners to ensure that they are of standard quality.

STOCKS OF QUININE IN INDIA.

9. Mr. Gaya Prasad Singh : Will Government be pleased to states :

(a) the total quantity of bark and alkaloids of cinchona in stock at its depots ;

(b) the numbers of years during which these stocks have been accumulated ;

- (c) the cost of stock when purchased, and the current estimate of the cost ;
- (d) the deterioration, if any, and consequent depreciation from the keeping ;
- (e) the rules of the Government of India Act under which the purchases were made ; and
- (f) the rules, if any, which prohibit the utilisation of the huge stock of quinine for the relief of millions of sufferers from malaria and for prevention of deaths of lakhs of such sufferers every year ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Government of India stocks on the 1st April, 1931, were as follows :

	lbs.
Cinchona bark	5,38,100
Quinine Sulphate	3,05,561
Cinchona febrifuge	29,688

(b) Since 1919.

(c) This question is not understood. The present stock was not all purchased. The Government of India have a plantation of their own in Burma and the bark from this plantation is worked up into quinine. The present value of the stocks mentioned in the reply to part (a) is as follows :

	Rs.
Cinchona bark	2,84,974
Quinine Sulphate	55,00,098 (at Rs. 18 per lb.)
Cinchona febrifuge	2,67,192 (at Rs. 9 per lb.)

(d) The stock does not deteriorate or depreciate by keeping.

(e) The purchases were made in the public interest to keep sufficiently large stocks of quinine to provide for the contingency of an increased demand due to a severe epidemic of malaria, and also to guard against the effects of a possible combination among producers or manufacturers.

(f) The Government of India are not aware of any such rules.

MALARIA CASES AND THE SUPPLY OF QUININE.

10. Mr. Gaya Prasad Singh : (a) Are Government aware that :

- (1) the Government hospital and dispensary figures show (i) over 80,00,000 of malaria cases treated therein, whilst, (ii) the number of sufferers who do not attend such hospitals stands at 10,00,00,000 and deaths per year number over 13,00,000 ;
- (2) the potential demand for quinine varies between 1,50,000 lbs. for class (i), and 15,00,000 lbs. for class (ii) per annum ; and
- (3) the Public Health Commissioner states that " There is no question of effective treatment of malaria in India until consumption of quinine approximates 5,00,000 lbs." ?

(b) Do Government accept the above estimates ; and, if so, do they provide for the supply of this quantity per annum ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The figures appear to have been taken from the Report of the Public Health Commissioner with the Government of India for the year 1922. They have

been quoted correctly except in one respect. The figure in part (2) of the question should be 1,25,000 instead of 1,50,000. It may also be mentioned that, if the estimate of annual deaths from malaria referred to in part (1) of the question is based on the figures given on page 99 of the Report, these figures relate only to a few provinces, and not to the whole of India.

(b) These are estimates only and are a matter of opinion. The quantity of quinine sulphate and cinchona febrifuge issued from the stocks of the Government of India and the Governments of Bengal and Madras amounted to 1,09,439 lbs. in 1928-29 and 91,858 lbs. in 1929-30. The question of the adoption of a policy to encourage the use of quinine is for Provincial Governments to consider.

TREATMENT OF MALARIA AND AREA OF CINCHONA PLANTATIONS.

11. **Mr. Gaya Prasad Singh :** (a) Will Government please state when they will be in a position to make efficient provision for effective treatment of malaria in India ?

(b) Will Government be pleased to supply figures in acres for consecutive years, from the year of establishment, of cinchona plantations in Madras, Bengal and Burma, the total output of the bark every year, the amount of alkaloids turned out by Government factories and the price at which the salts made in these factories are sold year after year and the accepted total yield of all the plantations within the next 5 years ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Honourable Member apparently does not seem to be satisfied with the "effectiveness" so far secured. He may rest assured that those engaged in the investigations bearing on this subject are as anxious as he is to make the remedy more effective.

(b) A statement giving the necessary information is appended.

Statement referred to in the reply to part (b) of question No. 11.

A.—BURMA PLANTATIONS.

Year.	Acres.	Output of Bark.	Amount of Alkaloids.		Selling price per lb.	
			Quinine Sulphate.	Cinchona Febrifuge.	Quinine Sulphate.	Cinchona Febrifuge.
		lbs.	lbs.	lbs.	Rs.	Rs.
1924-25 ..	100	..	..	..	..	..
1925-26 ..	99	..	..	..	..	..
1926-27 ..	147	18,965	..	..	..	..
1927-28 ..	122	48,261	945	369	18	9
1928-29 ..	66	1,08,588	2,170	1,260	18	9
1929-30 ..	180	1,42,263	559	480	18	9
1930-31 ..	149	1,31,533	2,786	2,313	18	9

2. *Expected annual yield for the next five years.*

An average of 140,000 lbs. of bark.

An average of 4,600 lbs. of Quinine Sulphate.

An average of 2,700 lbs. of Cinchona Febrifuge.

This average is given on the assumption that no further areas will be planted in Burma.

B.—MADRAS PLANTATIONS.

Year.	Acres.	Output of bark.	Amount of alkaloids.		Selling price per lb.	
			Quinine Sulphate.	Cinchona Febrifuge.	Quinine Sulphate.	Cinchona Febrifuge.
		lbs.	lbs.	lbs.	Rs.	Rs.
1922-23 ..	1,482	2,38,671	32,465	11,290	36, 27*	8
1923-24 ..	1,397	2,57,707	28,560	17,442	27	8
1924-25 ..	1,367	2,77,934	23,590	11,430	27	8
1925-26 ..	1,308	2,91,825	25,075	10,324	24	9
1926-27 ..	1,451	2,81,435	21,915	10,101	24, 18†	9
1927-28 ..	1,567	2,28,409	23,810	15,158	18	9
1928-29 ..	1,858	1,94,299	22,085	17,088	18	9
1929-30 ..	1,857	1,52,421	23,474	14,873	18	9
1930-31 ..	2,002	1,65,571	21,368	10,916	18	9

*Rs. 27 from November 1922.

†Rs. 18 from May 1926.

NOTE.—(i) As the records were not readily available, the statement has been prepared from the year 1922-23 instead of from 1863 when the plantations were first formed in Madras.

(ii) The amount of alkaloids shown each year is derived from (a) the plantation output and (b) cinchona bark purchased from private planters.

2. *Expected annual yield for the next five years.*

An average of 2,32,880 lbs. of bark.

An average of 10,044 lbs. of quinine sulphate.

An average of 3,892 lbs. of cinchona febrifuge.

C.—BENGAL PLANTATIONS.

Year.	Acres.	Output of bark.	Amount of alkaloids.		Selling price per lb.	
			Quinine Sulphate.	Cinchona Febrifuge.	Quinine Sulphate.	Cinchona Febrifuge.
		lbs.	lbs. oz.	lbs. oz.	Rs. as.	Rs. as.
1869-70 ..	No record of acreage kept.	2,400	..	..	..	..
1870-71 ..		12,500	..	..	..	..
1871-72 ..		39,000	..	..	..	..
1872-73 ..		..	..	..	..	..
1873-74 ..		16,000	..	..	..	..
1874-75 ..		39,405	..	48 10	..	..
1875-76 ..		2,11,931	..	1,940 6	..	..
1876-77 ..		2,07,781	..	3,750 12	..	16 0
1877-78 ..		3,44,225	..	5,162 0	..	16 8
1878-79 ..		2,61,659	..	7,007 0	..	16 8
1879-80 ..		3,61,590	..	9,434 13	..	16 8
1880-81 ..		3,77,525	..	9,296 0	..	16 8
1881-82 ..		3,41,570	..	8,010 0	..	16 8
1882-83 ..		3,96,980	..	10,663 4	..	16 8
1883-84 ..		3,05,160	..	8,714 0	..	16 8
1884-85 ..		3,39,201	..	6,464 0	..	16 8
1885-86 ..		2,05,410	..	4,743 0	..	16 8
1886-87 ..		2,25,631	..	6,790 0	..	16/8 to 24

C.—BENGAL PLANTATIONS—*contd.*

Year.	Acres.	Output of bark.	Amount of alkaloids.		Selling price per lb.	
			Quinine Sulphate.	Cinchona Febrifuge.	Quinine Sulphate.	Cinchona Febrifuge.
		lbs.	lbs. oz.	lbs. oz.	Rs. as.	Rs. as.
1887-88 ..	No record of acreage kept.	2,90,410	331 8	6,917 0	24 14	16/8 to 24
1888-89 ..		3,73,100	2,191 0	6,384 0	20 0	16/8 to 22
1889-90 ..		3,04,705	1,833 2	6,578 0	17/8 to 20	16/8 to 19/8
1890-91 ..		2,93,972	4,010 0	4,031 0	17 to 20	14 to 17/8
1891-92 ..		2,85,560	4,586 0	4,190 0	16 to 20	10 to 14
1892-93 ..		3,04,390	5,242 4	3,481 8	13/6 to 16	10 to 12
1893-94 ..		4,25,010	4,765 0	3,848 0	13/6 to 16	10 to 12
1894-95 ..		5,00,534	8,317 15	4,032 0	13/6 to 16	10 to 12
1895-96 ..		4,67,190	9,004 0	3,124 0	14 to 16	10 to 12
1896-97 ..		6,29,222	10,672 14	3,452 0	14/8 to 18	10 to 12
1897-98 ..		3,18,715	10,148 12	4,075 0	11 to 15	10 to 12
1898-99 ..		2,36,098	10,335 4	3,912 0	13/3 to 17	10 to 12
1899-1900 ..		2,08,652	8,799 8	4,046 0	14/8 to 17	10 to 12
1900-01 ..		1,98,023	7,347 0	2,488 0	14/8 to 18	10 to 12
1901-02 ..		2,03,405	10,010 12	3,424 0	14/8 to 17	10 to 12
1902-03 ..		2,35,605	11,927 4	4,348 0	14/8 to 17	10 to 12
1903-04 ..		3,16,757	12,314 8	3,800 0	14/8 to 16	10 to 12
1904-05 ..		3,11,278	13,068 12	2,026 0	11/6 to 16	7/8 to 9
1905-06 ..		3,73,813	15,777 12	5,462 0	10/6 to 16	7/8 to 9
1906-07 ..		4,29,557	16,065 4	2,652 0	10/6 to 15	7/8 to 9
1907-08 ..		4,45,638	27,564 0	3,370 0	10/6 to 15	7/8 to 9
1908-09 ..		4,51,768	36,619 5½	7,281 12	10/6 to 15	7/8 to 9
1909-10 ..		3,26,559-1	23,097 4	2,390 0	10 to 15	7/8 to 9
1910-11 ..		5,00,900	39,980 9	..	10 to 15	7/8 to 9
1911-12 ..	1,558	2,99,380	40,378 12	6,004 0	10 to 15	7/8 to 9
1912-13 ..	1,779	6,11,338	43,853 0	6,949 12	10 to 15	7/8 to 9
1913-14 ..	2,246	6,90,524	51,562 0	7,361 0	13 to 21/14	5 to 6
1914-15 ..	2,552	6,80,375	34,650 0	5,307 0	13 to 21/14	5 to 6
1915-16 ..	2,295	5,69,337	41,814 8	12,027 2	14/8 to 17	5 to 6
1916-17 ..	2,405	4,99,417	20,903 8	..	21/8 to 26/8	5 to 6
1917-18 ..	2,514	6,18,703	29,417 8	8,518 0	21/14 to 30	5 to 6
1918-19 ..	2,600	8,22,779	32,640 4	11,439 12	26 to 28	5 to 7
1919-20 ..	3,080	5,20,243	18,138 4	15,166 0	24 to 26	7 to 8
1920-21 ..	3,236	5,01,018	23,984 12	10,626 8	33 to 35	10 to 12
1921-22 ..	3,127	57,562	22,713 0	6,712 0	48 to 50	8 to 10
1922-23 ..	3,026	5,57,037	21,550 6	8,294 0	36 to 38	8 to 10
1923-24 ..	3,055	6,51,452	19,207 6½	7,857 8	27 to 29	9 to 11
1924-25 ..	3,060	3,98,872	19,230 12	8,098 12	24 to 28	9 to 11
1925-26 ..	3,153	5,38,783	17,378 6	9,168 0	24 to 26	9 to 11
1926-27 ..	4,742*	6,69,066	35,538 7	11,411 0	18 to 20	9 to 11
1927-28 ..	3,162	9,17,259	43,970 0	16,730 0	18 to 20	9 to 11
1928-29 ..	2,986	10,41,827	36,523 0	17,371 0	18 to 20	9 to 11
1929-30 ..	2,877	11,30,402	43,031 0	20,078 0	18 to 20	9 to 11
1930-31 ..	2,658	14,76,059	37,638 0	16,953 0	18 to 20	9 to 11

* Acres of ground cultivated.

NOTE.—From 1862 to 1864 experiments were carried out. The first plantations were harvested in 1869-70, from which year figures are shown.

2. *Expected annual yield for the next five years.*

An average of 11,00,000 lbs. of bark with quinine contents 44,000 lbs.

PRICES OF QUININE.

12. **Mr. Gaya Prasad Singh :** Are Government aware that the quinine ring of Amsterdam controls the world prices of quinine and that the sufferers from malaria in India are deprived of the only specific treatment owing to the heavy cost of quinine ? Under the circumstances, will Government please state the measures they propose to take for regulating the necessary supply of quinine to the 10,00,000 sufferers in India ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The world price of quinine is affected by the existence of the ring to which the Honourable Member has referred. The consumption of quinine does not, however, seem to fluctuate with the price as it has not varied appreciably during the last ten years, though the price has fallen gradually from 3s. 5d. to 1s. 8d. an ounce. As regards the second part of the question, medical relief is a provincial transferred subject and is the concern of Provincial Governments. The Government of India have under consideration the question of disposing of their surplus stocks of quinine.

GRANT OF SPECIAL RAILWAY FREIGHT RATES FOR GRAINS, SEEDS, ETC., FROM POONA.

13. **Mr. Gaya Prasad Singh :** (a) Are Government aware that owing to heavy fall in market rates, especially of grain, pulses, etc., the situation of trade, and the economic condition of the agriculturists, have become very serious ?

(b) Are Government aware that Patna City and Ghat are important centres of trade in such goods, being the capital of the Province of Bihar and Orissa ; but have been at a disadvantage in respect of railway rates and freights ?

(c) Is it a fact that there is a special station to station rate for cotton (raw) from Etawah (East Indian Railway) to Bhagalpur (East Indian Railway), while there are no such rates for Patna City and Ghat ?

(d) Are Government aware that a representation, dated the 6th February, 1931, was submitted by the mill-owners and merchants of Patna to the Agent, East Indian Railway, praying for a grant of special rates for grains, seeds, and pulses between Patna and the leading railway stations on the line ?

(e) Do Government propose to take any action in the matter ?

Mr. A. A. L. Parsons : (a) Yes. The fall in prices of agricultural produce is one of the causes of the world-wide trade depression and has affected the agriculturist severely.

(b) The reply to the first part is in the affirmative and to the second part in the negative.

(c) The special station to station rate for cotton (raw) from Etawah to Bhagalpur also applies from Etawah to Patna City and Patna Ghat.

(d) Yes.

(e) No. The matter is one within the competence of the East Indian Railway Administration to deal with.

COST OF MAINTENANCE OF THE EXCHANGE RATIO AT 1s. 6d.

14. **Major Nawab Malik Talib Mahdi Khan :** (a) Will Government kindly state the total amount in rupees of the Indian Currency Reserve which existed in England in the year preceding the year in which the exchange ratio was raised from 1s. 4d. to 1s. 6d. for a rupee ?

(b) Will Government kindly state the total amount of Indian Currency Reserve which existed in England on the 1st July, 1931 ?

(c) Will Government kindly state if the raising of the exchange ratio from 1s. 4d. to 1s. 6d. is costing the Government of India any money; if so, what is the extent of such loss per annum ? If there is any loss, how do Government justify it, and how do the Government of India propose to meet it, when the Indian Currency Reserve in England is finished ?

(d) Is it a fact that the raising of the exchange ratio has adversely affected the prices of Indian agricultural produce in the world market ; if so, to what extent ?

(e) Is it a fact that the raising of the exchange ratio has taken out of the pocket of the Indian farmer two annas in every rupee of the total value of exports of Indian raw material, and put two annas extra per rupee into the pockets of those foreigners who import goods into India ?

(f) How long do the Government of India wish to continue this drain on Indian wealth through this artificial and raised exchange ?

The Honourable Sir George Schnuster : (a) The implication underlying this and other parts of this question that the rupee ratio was raised from 1s. 4d. to 1s. 6d. by the Currency Act of 1927 is not correct. The ratio was legally stabilised at 1s. 6d. by that Act in the sense that the Act imposed a statutory obligation to maintain the ratio at that figure. The rupee had been *de facto* stable at about 1s. 6d. since September, 1924. The cost price of sterling securities held in the Paper Currency Reserve in London on the 31st March, 1927, was Rs. 5,57,16,400 at 2s. to the rupee.

(b) No portion of the Paper Currency Reserve was held in England on the 1st July, 1931.

(c) The only direct effect on the Government Budgetary position of maintaining the ratio at 1s. 6d. instead of say 1s. 4d. is to reduce the amount of rupees which have to be raised to meet the Government's annual sterling obligations by 1/9th. That is to say, taking the normal sterling obligation at £30 millions per annum, if the rupee stands at 1s. 6d., the Government have to raise Rs. 40 crores to meet them, whereas if the rupee stood at 1s. 4d., the Government would have to raise Rs. 45 crores. Therefore the immediate effect on the Government's Budget of dropping the rupee to 1s. 4d. would be to make it necessary to raise over 5 crores more of revenue.

(d) The price of the Indian products in the world markets being based on external currencies is not affected by the rupee ratio.

(e) The amount of rupees received in India by a man who sells goods in the world market is affected in the sense that if the gold value of the rupee is increased the seller receives proportionately less rupees. On the other hand these rupees are worth more in terms of gold or foreign currencies and therefore they can buy correspondingly more goods. As far as trade is concerned, therefore, the position is exactly the same and

the Indian producer neither loses nor gains anything so far as the price received for the goods which he sells is spent by him in buying other goods. Equally the foreigners who import goods into India neither gain nor lose anything. They also receive a smaller number of rupees for what they sell in India if the gold value of the rupee is higher. On the other hand for them also the smaller number of rupees is worth more.

(f) The Government of India cannot repudiate their statutory obligations.

As it is impossible to deal adequately with these points in reply to questions, I would invite the attention of the Honourable Member to the speech delivered by me at the annual meeting of the Federation of Indian Chambers of Commerce and Industry at Delhi on the 8th April, 1931, a copy of which is being furnished to the Honourable Member.

PASSPORTS FOR AFGHANISTAN GRANTED TO INDIANS.

†15. **Mr. N. R. Gunjal** : Will Government be pleased to state :—

(a) the number of Indians who had applied for passports to Afghanistan after the accession of H. M. King Nadir Shah ; and

(b) how many of them were granted passports ?

HOLDERS OF AFGHAN PASSPORTS REFUSED PERMISSION TO ENTER INDIA.

16. **Mr. N. R. Gunjal** : Will Government be pleased to state :—

(a) how many holders of Afghan passports were allowed to enter India after the accession of H. M. King Nadir Shah ; and

(b) how many holders of such passports were refused permission ?

Mr. E. B. Howell : Sir, with your permission, I propose to answer questions Nos. 15 and 16 together.

The necessary information is being collected and will be communicated to the Honourable Member in due course.

THE ARMY IN INDIA RESERVE OF OFFICERS.

17. **Mr. N. R. Gunjal** : (a) What is the present total strength of the Army in India Reserve of Officers and what is the number of officers in each category ?

(b) What is the total number of Indians out of these in the Army in India Reserve of Officers ?

(c) What is the number of Indians in each separate category ?

(d) What are their professions in civil life ?

(e) Are Government aware of any Indian officers of the Army in India Reserve of Officers who are willing to transfer their services from the Army in India Reserve of Officers to the regular standing Army ?

(f) Are Government prepared to transfer the services of any such officers who may be so willing ?

†For answer to this question, see answer to unstarred question No. 16.

(g) What are the conditions, if any, under which such transfer of services can be made ?

(The questions relate to peace-time transfer of services.)

(h) What is the policy of Government in the matter of recruitment of officers in the Army in India Reserve of Officers ?

Mr. G. M. Young : (a), (b), (c) and (d).—

Category.	Number of Officers appointed.		Total.
	European.	Indian.	
1. Staff	139	11	150
2. Cavalry	107	4	111
2. Royal Tank Corps	15	..	15
2. Remounts	13	1	14
3. Artillery	49	..	49
4. Engineers	131	3	134
5. Signals	37	..	37
6. Infantry	305	15	320
7. Recruiting	24	36	60
7. Miscellaneous Duties	100	29	129
8. I. A. S. C. (Supplies)	110	7	117
8. I. A. S. C. (Animal Transport)	42	5	47
8. I. A. S. C. (Mechanical Transport)	100	5	105
9. I. A. S. C.	14	..	14
10. Ordnance Factories and Inspection	18	1	19
11. Medical and Dental	30	312	342
12. Veterinary	3	4	7
Totals	1,237	433	1,670

Number of Indian gentlemen appointed to the Reserve 433

Professions—

Landlords	23
Veterinary College Professors	6
Employees—Government Cattle Farms	2
Indian and Provincial Civil Services	18
Munsifs, Vakils, and Judges	9
Professors and Lecturers	5
Independent	8
Private Businessmen	11
Engineers	12
Journalist	1
Accountants	2
Insurance Agents	2
Government Contractors	5
Pensioners	2
Forest Officer	1
Barristers	4
Cantonment Executive Officers	4
Police Service	3
Postal Service	1
Students	4
Doctors	313

Total 433

(e) No.

(f) No, Sir. The Army in India Reserve of Officers is not a channel of appointment to the regular Army, nor are its officers eligible for such appointment.

(g) None.

(h) The policy is to build up among civilians a reserve of officers that can be drawn upon in war.

LIFE SENTENCES AWARDED TO PANDIT JAGAT RAM AND BHAI JAWALA SINGH.

18. **Bhai Parma Nand :** (a) What is the usual time-limit for such prisoners as have been sentenced to transportation for life ?

(b) Will Government please state whether special and ordinary remissions are allowed to be deducted from that period ?

(c) What is the actual period of imprisonment which Pandit Jagat Ram and Bhai Jawala Singh have undergone ever since they were punished in the Lahore conspiracy case in the year 1914-15 ?

(d) While at Port Blair Jail, did Pandit Jagat Ram earn any remission and, if so, how much ? Did he earn any remission under the two-third system during this period ?

(e) Taking these different periods of remission and adding them to the actual jail period, what is the total period of punishment undergone by Pandit Jagat Ram ?

(f) Is it a fact that all the Superintendents of Jails, in which Pandit Jagat Ram has been kept, as well as the Inspectors General of Prisons of the various provinces, where he had to spend his time, have highly spoken of his behaviour in jail and recommended his release ?

(g) If the answer to question part (f) be in the affirmative, what are the grounds on which Pandit Jagat Ram has not been released as yet ?

The Honourable Sir James Crerar : (a) A sentence of transportation for life is actually a sentence for life and its limitation to a period of years is a matter for the Local Government concerned. There are executive orders directing the consideration of the cases of prisoners serving sentences of transportation for life in a Jail in India at the end of 14 years, but it is for the Local Government to decide whether at the end of that time he should be released.

(b) Yes.

(c) On the 1st September the period of imprisonment undergone by Pandit Jagat Ram was 15 years, 11 months and 18 days. I have no information about Bhai Jawala Singh, but I have called for it and will supply it to the Honourable Member in due course.

(d) He earned a remission of 2 years and 1 month while he was at Port Blair. I am not aware to what rule the Honourable Member is referring.

(e) On the 13th January, 1931, the period of remission added to the period of imprisonment amounted to 19 years, 8 months and 4 days.

(f) and (g). I have made enquiries and will communicate the result to the Honourable Member in due course.

RETRENCHMENT OF TEMPORARY RAILWAY ENGINEERS.

19. **Bhai Parma Nand :** (a) How many temporary engineers on different Railways have been reduced under the new retrenchment scheme? About how many years' service each of them had put in the Railway Department? At the time of discharge were their names noted and were they given any promise of enlistment as soon as any opportunities occurred?

(b) Is it a fact that after their discharge a number of engineers have been employed, thus depriving the old and experienced hands, who had served up to eight years, of any chance of getting employment again? If so, why were the retrenched hands not re-employed?

Mr. A. A. L. Parsons : I have called for information and will communicate with the Honourable Member on its receipt.

APPOINTMENTS TO ACCOUNTS DEPARTMENTS OF THE EAST INDIAN RAILWAY.

20. **Bhai Parma Nand :** (a) Is it a fact that paragraph 9 of the Railway Board's Memorandum No. 5565-F., dated the 31st July, 1929, lays it down that any person appointed to the Accounts Department of the East Indian Railway between the 30th November, 1925, and the 31st December, 1928, or to the Clearing Accounts Office, or to work connected with the Clearing Accounts Experiments between the 16th November, 1925, and the 31st December, 1928, or to the office of the Controller of Railway Accounts between the 1st October, 1928, and 31st December, 1928, will be eligible for confirmation in the actual rank or grade which he held on the 1st April, 1929, without being required to pass any examination?

(b) Are Government aware that a large number of employees, in the hope of being confirmed, have continued their service, though they have attained the age of 25, rendering them unfit for any other Government service?

Mr. A. A. L. Parsons : (a) Yes.

(b) There is a certain number of employees waiting for confirmation who belong to the category referred to in (a), but their confirmation depends upon vacancies and the claims of other men who have qualified themselves for confirmation by passing the necessary examination.

COMMUNAL REPRESENTATION IN THE NORTH WESTERN RAILWAY ACCOUNTS DEPARTMENT.

21. **Bhai Parma Nand :** (a) Is it a fact that since the inauguration of the policy of communal representation in services the North Western Railway Accounts Department have allowed non-Hindus a very large share in appointments?

(b) Is it a fact that in spite of the two conditions under the retrenchment Scheme referred to in the preceding question as many as sixty, or even more, Hindus have been discharged as compared to six persons belonging to the so-called minority communities and that non-Hindus with very little service have been retained in preference to Hindus with long years of service to their credit?

(c) Is it a fact that some of these non-Hindus who were retained were recruited after the 1st April, 1929, against temporary posts of specified duration under the clear understanding that such temporary staff would not be absorbed against the permanent post without their passing a fixed examination? Is it a fact that the Chief Accounts Officer, Lahore, passed definite orders on 1st April, 1931, that in the case of substitute clerks appointed after 1st April, 1929, no reference to communal representation should be made in ordering their wholesale discharge which should be based solely on the length of service?

(d) How many of the Hindus brought under reduction had rendered one year's service? How many of the Hindus had rendered more than two years' service? How many of the non-Hindus retained had done less than one year's service?

(e) Is it a fact that a large number of telegrams and memorials have been sent to the authorities by the Hindu employees who have been discharged at Delhi, Quetta, Karachi and Multan Cantonment? If so, what did the Financial Commissioner do, or what does he intend to do, to maintain the principle of equal treatment for the employees of all communities?

Mr. A. A. L. Parsons : Enquiries are being made and the result will be communicated to the Honourable Member shortly.

EMPLOYMENT IN THE POSTAL DEPARTMENT OF THE SONS OF POSTAL EMPLOYEES.

22. Mr. B. Sitaramaraju : (a) Is it the policy of Government to give preference to the sons of postal employees in the matter of entertaining candidates in that departmental service?

(b) If so, have any orders been issued to that effect?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state whether those orders were given effect to in the Madras Circle; if not, why not?

Sir Hubert Sams : (a) There are at present no rules on the subject, but in practice some preference is given.

(b) and (c). Do not arise.

TRANSFER OF DEPUTY POSTMASTERS-GENERAL BETWEEN MADRAS AND LAHORE.

23. Mr. B. Sitaramaraju : (a) Is it a fact that the Deputy Postmasters-General of Madras and Lahore are under orders of transfer to exchange places?

(b) If so, will Government state whether the transfers from one end of the country to the other would involve a heavy expenditure of about Rs. 5,000?

(c) Are Government prepared to consider the desirability of avoiding long distance transfers involving heavy expenditure?

Sir Hubert Sams : (a) No.

(b) and (c). Do not arise.

CONFERENCE RELATING TO THE INTERNATIONAL CONVENTION ON THE
TREATMENT OF FOREIGNERS.

24. Mr. Jamal Muhammad Saib : (a) Will Government be pleased to state :

- (i) whether they were a party to the first Conference relating to the International Convention on the Treatment of Foreigners ;
- (ii) whether they are invited to the second Conference ; and
- (iii) whether they have any information as to the dates of the holding of the second session of the Conference ?

(b) Will Government be pleased to lay on the table for the information of the House the conclusions reached by the first session of the Conference ?

(c) Will Government be pleased to state whether they have been invited to submit any observations on the conclusions of the first Conference and whether they have submitted any observations ?

(d) If the replies to the above parts be in the affirmative, will Government be pleased to lay on the table for the information of the House a copy of their observations ?

(e) Is it a fact that the Committee of the Federation of Indian Chambers of Commerce and Industry asked Government for a copy of their observations on the Draft Convention and that Government declined to furnish the Committee of the Federation with a copy thereof ? If so, will Government be pleased to state the reasons which actuated them in declining to furnish a copy ?

(f) Is it a fact that these observations are in due course published by the League of Nations for the information of all the countries and are treated as a public document ?

The Honourable Sir George Rainy : (a) (i) Yes.

(ii) and (iii). The Government have not received an invitation to the second session of the Conference, the date for which, so far as they are aware, has not yet been fixed.

(b) A copy of the proceedings of the first session of the Conference is already available in the Library.

(c) The answers to both questions are in the affirmative.

(d) Government regret that they are unable to lay a copy of their observations on the table.

(e) Government were unable to comply with the request of the Committee of the Federation for a copy of their observations, as it would not be in accordance with the usual practice to disclose the contents of communications made to the Secretary General of the League of Nations in advance of their publication by the League. I may add that a copy of the proceedings of the Conference was supplied to the Federation.

(f) I understand that the usual practice is as stated by the Honourable Member.

IMPORTATION OF CHEAP RUBBER AND CANVAS SHOES FROM JAPAN.

25. Mr. Jamal Muhammad Saib : (a) Are Government aware that the import of cheap rubber and canvas shoes from Japan during the last

three years has risen in value from Rupees 3 lakhs in 1928-29 to the enormous sum of Rupees 67 lakhs in 1930-31 ?

(b) Are Government aware that these imports of cheap rubber and canvas shoes have had the effect of closing a number of small Indian factories, particularly working in Northern India in chrome leathers, manufacturing boots and shoes for local use ?

(c) Will Government be pleased to state what action they propose to take to check the imports of cheap rubber and canvas shoes in the above circumstances ?

The Honourable Sir George Rainy : (a) The figures quoted by the Honourable Member relate to imports of all kinds of boots and shoes from Japan. There is, however, no doubt that imports of cheap rubber and canvas shoes from Japan have considerably increased in recent years.

(b) Government have received representations to that effect.

(c) No action with the object of checking these imports is proposed to be taken at present.

PRECARIOUS STATE OF THE TANNING INDUSTRY.

26. Mr. Jamal Muhammad Saib : (a) Will Government be pleased to state the names of Provincial Governments and commercial organisations which submitted representations to them regarding the precarious state of the tanning industry and what action have they taken so far or do they propose to take in the matter ?

(b) Are the Government of India aware of the changes in the new import duties levied by the United States of America on the imports of tanned hides and skins ?

(c) Are Government aware of the effect of the said new duties on the tanning industry of this country and its export trade in tanned hides and skins ? Will Government be pleased to state what action they have so far taken or propose to take to meet the situation ?

The Honourable Sir George Rainy : (a), (b) and (c). Government have received representations from the Government of Madras ; the Madras Chamber of Commerce, Madras ; the Southern India Skin and Hide Merchants' Association, Madras ; the Southern India Chamber of Commerce, Madras ; and the Federation of Indian Chambers of Commerce and Industries, Madras, suggesting the desirability of granting protection to the tanning industry. The decline in the export trade in tanned hides and skins has been attributed to the revised American tariff in some of these representations, which are now under consideration.

REVERSION OF MR. N. A. DALVI FROM THE POST OF ACCOUNTANT, DHARWAR HEAD POST OFFICE.

27. Rao Bahadur B. L. Patil : (a) Will Government be pleased to state whether they accept the interpretation of the Director General of Posts and Telegraphs, given in reply to the starred question No. 538 in the Legislative Assembly on the 12th March, 1930, that the term " provisionally permanent " means that the incumbent so appointed holds the post substantively so long as he works satisfactorily in the post and that there is no prescribed time limit for holding the post provisionally ?

(b) If so, will Government be pleased to state why the appeal of Mr. N. A. Dalvi (clerk in the office of the Superintendent of Post Offices, Dharwar Division) against the order of the Postmaster-General, Bombay, reverting him from his provisionally permanent post of Accountant, Dharwar Head Office, was not upheld? Is it a fact that the order of the Postmaster-General, Bombay, did not show that Mr. N. A. Dalvi was reverted on account of his inefficiency or misconduct?

(c) Will Government be pleased to say whether Circular No. 41 of 6th November, 1930, of the Director General, could be given effect to retrospectively in the case of accountants in the ordinary time-scale of pay in the absence of any orders to that effect in the circular?

(d) Is it a fact that Mr. N. A. Dalvi held the post "provisionally permanent" for over one year and a half in a clear vacancy prior to the issue of the said circular and that his work was reported on to be satisfactory?

Sir Hubert Sams : (a) The intention was as stated in part (a) of the reply to Mr. S. C. Mitra's starred question No. 118 in the Legislative Assembly on the 15th July, 1930, in making this appointment. Government see no reason to object to it.

(b) to (d). The case of Mr. Dalvi differs from that referred to in part (a). The post of Accountant, Dharwar Post Office, was on the ordinary time-scale of pay, and his provisional appointment to it did not involve promotion to a higher grade but only entitled him to draw an allowance. He had to vacate the post in favour of a senior qualified official. Government are not prepared to interfere.

IMPRISONMENT OF MR. IHSAN ILAHI UNDER REGULATION III OF 1818.

28. Mr. N. R. Gunjal : (1) Will Government be pleased to state if it is a fact :

- (a) that Mr. Ihsan Ilahi, a State prisoner, under Regulation III of 1818, who is at present confined in the Central Jail, Lahore, is an educated young man of 22 years of age ;
- (b) that he is one of the founder-members of the Naujawan Bharat Sabha and that he joined the political movement only in 1927 ;
- (c) that he was incarcerated under the said Regulation on 9th February, 1931 ;
- (d) that during this short interval he held at times such important offices as Secretary, Lahore City Congress Committee, Vice-President, Lahore City Congress Committee, President, Punjab Naujawan Bharat Sabha, General Secretary, Ali-India Naujawan Bharat Sabha, and member of All-India Congress Committee ;
- (e) that the local police considered his activities for organizing the youth movement as undesirable and was anxious to suppress the same ;
- (f) that his residence was searched on various occasions and, if so, on how many occasions ;

(g) that he was arrested in the following cases and was either released by the police themselves or found innocent by the courts of law :

- (i) in 1928, at Calcutta, where he went as an escort with the dead body of the late Mr. Jatindra Nath Dass when it was alleged that he was suspected of complicity in the Jullundur conspiracy case.
- (ii) during December, 1929, when the sessions of the All-India Naujawan Bharat Sabha and of the Congress were being held at Lahore.
- (iii) in the middle of 1930, under section 17-A, Criminal Law Amendment Act of 1908.
- (iv) during the pendency of the above case on 27th December, 1930, in connection with the case regarding the attempt on the life of the Governor, Punjab.
- (h) that the local police suggested that he should be dealt with under the Regulation III of 1818, and Government endorsed the suggestion ;
- (i) that the real object of his incarceration is to keep him away from organizing the youth movement ; and
- (j) that this action against him is caused by a desire to suppress the youth movement ?

(2) Will Government be pleased to state how long it is proposed to keep Mr. Ihsan Ilahi in confinement and why ?

(3) Is it a fact that since his incarceration in the Lahore Central Jail, Mr. Ihsan Ilahi has been segregated from other inmates and is kept practically in solitary confinement ; if so, why ?

(4) Is it a fact that he has contracted a heart disease ?

The Honourable Sir James Crerar : (1) (a) The prisoner is educated and aged about 25 or 26 years.

(b) The facts appear to be as stated.

(c) Yes.

(d) Government do not question the suggestions of the Honourable Member.

(e) So far as I understand this question, the answer is in the negative.

(f) I understand that his residence was searched more than once.

(g) The facts are generally as stated.

(h) The Government of India sanctioned his detention under Regulation III of 1818, on the recommendation of the Government of the Punjab.

(i) and (j). The answer is in the negative.

(2) He will be released as soon as Government are satisfied that his detention is no longer necessary in the interests of public safety.

(3) The State prisoner is not kept in solitary confinement, but he has complained of lack of companionship. This complaint is under consideration.

(4) I have no information to suggest this. His health was certified to be good as recently as the 1st September.

DEATHS OF MR. ALEXANDER, MR. SHAHANI AND U TOK KYI.

The Honourable Sir George Rainy (Leader of the House) : Since we last met, Mr. President, two of our number have been removed by the hand of death and we are the poorer for their loss. Mr. Alexander did not intervene frequently in our debates, but, when he spoke, his words were direct and to the point and the House was always ready to listen to one who never addressed it, unless he could make a definite contribution to the discussion. His frank and straightforward character and his kindly nature were known to all of us and we shall long miss him.

12 NOON. Mr. Shahani was a Member of the first Assembly and came back to this House at the last general election. He combined various qualifications for public life, for he was at once a zamindar, a scholar and a man of affairs and, whether the topic under discussion was the advancement of education, the promotion of agriculture or the larger political issues, he never failed to throw himself into it with his whole heart. There must be many in this House who knew Mr. Shahani for a much longer period, and who knew him much more intimately, than I could claim to do, but during the short months of the Delhi Session I learnt to know him and to respect him. Two things about him were noteworthy and could not possibly be overlooked. One was his obvious desire to devote to the service of his country every power he possessed ; and the other was a sincerity which made it impossible for him to represent things in any other light than that in which he saw them or to adopt a point of view which was not his own. His death leaves a sensible blank in our midst.

Finally, Mr. President, we have to mourn the death of a Member of a former Assembly. Many of us, I am sure, remember U Tok Kyi, who represented a Burma constituency for several years. He seldom spoke, save on topics in which Burma was directly interested, but he never failed to represent faithfully the needs and the desires of Burma when he felt that these were likely to be overlooked. He has now passed away.

I believe, Mr. President, it will be in accordance with the wishes of everyone of us if you would convey to the relatives of the deceased the deep sympathy and sorrow we feel.

Diwan Bahadur T. Rangachariar (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, I beg to associate myself with all that has been said by the Leader of the House about the departed friends whose loss we are mourning to-day. I knew Mr. Shahani from the year 1921 when I joined him in the first Assembly. He was a very keen student, an able politician and he was a sincere man, as the Leader of the House has told us. It was not easy to convert him to our views and he was always ready with his own opinion on various points. I worked with him as a member of the old Democratic Party and also the present Nationalist Party. It is a serious loss to the party and also to the Assembly that he should have been taken away at a time when he was most useful to the country. I know Sir, that he was greatly respected in his own town for all his manifold good qualities, and I am sure the Member from Sind, who has taken his place, would like to say a few words about him in that connection. Sir, as a Member of this Assembly, I can say most emphatically that his loss is a very serious one.

As for Mr. Alexander, he came from my province. We knew him very well there ; he was greatly respected by the citizens there. He was a ver-

modest man and never pushed himself forward. He was a very able man and his charms were manifold. His loss we regret most keenly.

I had the honour of sitting with U Tok Kyi in this House. I knew him for a long time even in his home in Burma : a more genial host one could hardly expect to find. The Burmese people are always kindly people and it is their presence here which lends charm and colour to the House. We miss him very much indeed. He was a very nice man ; he was a very young man and in his death at this juncture his country has suffered a great loss.

I associate myself with the motion moved by the Leader of the House.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : I beg to associate myself with what fell from the Honourable the Leader of the House regarding the deaths of Mr. Alexander, Mr. Shahani and U Toy Kyi. The last named gentleman represented Burma in the last Assembly and as regards the other two, we had the pleasure and privilege of working with them and we all regret their death. Mr. Alexander had retired from his business and he had chosen to make India his home and he died in England. Mr. Shahani was in evidence whenever any important question came up before the House and I agree with what has been said that, whatever speeches Mr. Shahani made on different questions which were mooted in this House, he displayed a considerable amount of research and a great deal of undoubted sincerity. I feel that Mr. Shahani's death is a loss to this House. I am sure, as the Honourable the Leader of the House has suggested, this House will adopt the motion conveying to the relatives of the deceased the deep sympathy and sorrow we feel.

Mr. Arthur Moore (Bengal : European) : I was one of those who knew U Tok Kyi as a Member of this House. My regret is personal for one who brought to this House that particular charm that we all associate with Burma.

At the end of the Delhi Session, Mr. Shahani seemed to most of us so full of vitality that I think his death immediately afterwards came as a great shock. As the Honourable Sir George Rainy said, most of us had not had the opportunity of knowing him very long, but we had already learnt to like him and to respect him. In particular I think we all realised that he was a real educationist, and we were impressed by his tremendous enthusiasm in the cause of education. He was, as we all know, of an impetuous temperament which led him into controversy, but that very impetuosity, I think, helped to endear him to us because we realised that it came from a warm heart.

In Mr. Alexander, we, on these benches, have lost a colleague of great sagacity and experience and of serene and unruffled temper. We are grateful to Sir Abdur Rahim for the reference which he made, and I would like to stress that point, because it is sometimes made a reproach to the European community that they are birds of passage. The French have a proud proverb which says that every man has two countries,—his own and France. I think in the case of Britons their divided allegiance might be more correctly described as England and India : and I doubt if those who bring that reproach realise in how many cases there are men who, when it comes to retire, would, if they were free from responsibilities, stay in this country, and how many realise how numerous are the cases of those who, fortunately, finding themselves in a position to do so, do

[Mr. Arthur Moore.]

decide to live in this country which has become dear to them. Mr. Alexander and his wife were such a couple. He had finished his business career some years ago. He had retired from business, but his heart was in India, and he and his wife decided that they would settle down to live in this country and that he should render such public service as he could. It was only the doctor's orders that finally sent him Home—where he died. We desire to be associated with the Resolution of Sir George Rainy.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : On my behalf and on my party's behalf I associate myself with all that has been said by the Honourable the Leader of the House and other Honourable Members and I, whole-heartedly, support the suggestion that has been made that we should convey to the relatives of the deceased the sympathy and sorrow of this House.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I rise to perform a sacred and solemn duty, a duty which we not only owe to the departed but which we owe to ourselves. Sir, the deaths of Mr. Alexander and Mr. Shahani have been mourned in this House, as also the death of the other Honourable Member, U Tok Kyi, who was not a Member of this present Assembly. As far as Mr. Alexander is concerned, all I can say is, I wish all Europeans were like him and the salvation of India would be nearer at hand. As for Mr. Shahani, I wish all Indian politicians had the same sober mind and political insight as he had. Lastly, it is my painful duty as one of the few remnants of the former Swaraj Party in this House to refer to the death of one with whose work we were associated for more than half a dozen years. It is U Tok Kyi, and if there were more Nationalists of his type, I think Burma would not have asked for separation. I do not want to enter into any controversial matters while speaking on this painful event, viz., when we are mourning his death. All I wish to say is that I whole-heartedly associate myself with all the Members and the leaders of the various parties in what they have said about the deceased Members of this House.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I regret the most the demise of Mr. Shahani. I come from Sind and I personally know that he was a renowned citizen of Sind. He was not only a Sind man, but I would call him an all-India man. He took a great interest in all the affairs of Sind as also those which concerned the whole of India. Sir, he was my personal friend. He, however, opposed me in the third Assembly elections but he carried on the campaign in a gentlemanly way, though I came in then. But in the last Assembly he came in practically unopposed and now by his sudden death I have taken the place. I must say that not only Sind but also this House has lost a politician of a very high order. He was responsible for the well-being of the D. J. Sind College. He was more or less the pioneer of that College and I must say with pride that the young graduates—both Hindus and Muhammadans—who have come out from that College showed allegiance and respect to him. If Sind has now so many graduates, it is almost all due to the untiring energy of Mr. Shahani. Mr. Shahani, besides being an educationist, was a public man of high character. I must also say to his credit that he was a great social reformer. Female education in Sind

owes its present advancement to Mr. Shahani. To illustrative it I may tell the House that Mr. Shahani has left behind him well educated children. His three daughters are graduates and one of them has passed the LL.B., and is practising the legal profession.

(At this stage, Mr. K. C. Roy had a seizure and fell down from his seat.)

Mr. President : I think you will all regret that one of our colleagues should have been attacked with a serious fit in the Assembly. We all earnestly trust that he will soon recover his normal health. I think it is desirable to adjourn the House for fifteen minutes so that Honourable Members may be able to render help to Mr. Roy.

The Assembly then adjourned till One of the Clock.

The Assembly re-assembled at One of the Clock, Mr. President in the Chair.

Mr. President : In asking you to resume the business of the Assembly, I am sure you will all join with me in expressing the fervent hope that our colleague Mr. K. C. Roy may soon be restored to perfect health.

Mr. Lalchand Navarai : Sir, in continuing the tribute that I was paying to Principal Shahani, I will say that I am exceedingly sorry for the incident that has happened in this House. I wish good and speedy health to Mr. K. C. Roy.

Sir, beyond the remarks I made, I cannot forget one quality of Principal Shahani, viz., that as a zamindar he always had a soft feeling for agriculturists. He looked after the interests of the peasantry in Mirpur Khas District and rendered them good service.

I need not detain the House any longer. I do share fully the remarks that have fallen from the Leader of the House and the other Honourable Members. With regard to the other two Honourable Members who have also passed away from this frail world, I fully associate myself with the expressions given vent to in this House, and with these remarks I support the proposal that a message of condolence be sent to their families.

Mr. President : I wish to associate myself with all that has fallen from Honourable Members with regard to the loss that the Assembly and the country have sustained. I knew Mr. Shahani for many years and I highly admired his great educational and social work. Whatever he took in hand, he was very enthusiastic about it and tried to further the cause to the best of his ability. I had the pleasure of knowing Mr. Alexander only recently and the only remark that I will make about him is that he won every heart by the charm of his manners. I had not the pleasure of knowing U Tok Kyi, but I wish to associate myself with all that has fallen from previous speakers in regard to his public services. Gentlemen, it will be my duty to communicate to the members of the families of the deceased the sympathies of the House.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. President : I have to inform Honourable Members that the following Bills which were passed by both Chambers of the Indian Legislature during the Delhi Session, 1931, have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act :—

1. The Punjab Criminal Procedure Amendment (Supplementary) Act, 1931.
2. The Steel Industry (Protection) Act, 1931.
3. The Gold Thread Industry (Protection) Act, 1931.
4. The Indian Income-tax (Amendment) Act, 1931.
5. The Indian Territorial Force (Amendment) Act, 1931.
6. The Auxiliary Force (Amendment) Act, 1931.
7. The Cantonments (Amendment) Act, 1931.
8. The Indian Naval Armament (Amendment) Act, 1931.
9. The Indian Merchant Shipping (Amendment) Act, 1931.
10. The Vizagapatam Port Act, 1931.
11. The Indian Ports (Amendment) Act, 1931.
12. The Indian Reserve Forces (Amendment) Act, 1931.
13. The Indian Factories (Amendment) Act, 1931.
14. The Salt (Additional Import Duty) Act, 1931, and
15. The Wheat (Import Duty) Act, 1931.

NOMINATION OF THE PANEL OF CHAIRMEN AND APPOINTMENT OF THE COMMITTEE ON PETITIONS.

Mr. President : Under Standing Order 80 of the Legislative Assembly Standing Orders, I have to appoint a Committee on Petitions and under rule 3 (1) of the Indian Legislative Rules I am required to nominate a Panel of not more than four Chairmen from among the Members of the Assembly. In view of the short Session of the Legislative Assembly, I have decided that the existing Panel and the existing Committee should continue for this Session also and that Mr. Arthur Moore should take the place, on the Panel as well as on the Committee, of Sir Hugh Cocke who has ceased to be a Member of the Legislative Assembly.

STATEMENT LAID ON THE TABLE.

RECRUITMENT OF MUSLIMS ON THE NORTH WESTERN RAILWAY.

Mr. A. A. L. Parsons : Sir, I lay on the table the information promised in reply to a supplementary question to starred question No. 627 asked by Khan Bahadur H. M. Wilayatullah on the 23rd February 1931 regarding the recruitment of Muslims on the North Western Railway.

LETTER No. 638-E.G., DATED SIMLA, THE 8TH AUGUST, 1931, FROM MR. P. C. CHOPRA, DEPUTY DIRECTOR, RAILWAY BOARD, TO KHAN BAHADUR H. M. WALAYATULLAH, M.L.A.

"In reply to part (b) of your question No. 627, asked in the Legislative Assembly on the 23rd February, 1931, I am directed to state that the Divisional Superintendent, Rawalpindi, forwarded the representation from the Vice-President, Anjuman Islamia, Kohat, on the subject of recruitment of Mohammedans to the Railway Clerical Establishment, to the Agent, North-Western Railway, who asked the Vice-President of the Anjuman Islamia, Kohat, to substantiate certain assumptions made by the latter and that no reply to this letter has so far been received by the Agent."

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy (Leader of the House) : With your permission, Sir, I desire to make a statement giving Honourable Members information as to Government business which will be brought before the House this week in so far as such information is not available in the Lists of Business for today and Wednesday which were circulated to Members on Friday last. If the House gives leave today for the introduction of the Bill to provide for the better control of the Press, it is proposed to make a motion on Friday, the 11th, to refer the Bill to a Select Committee with instructions to report within a week. With your permission, Sir, I shall make a further announcement on Thursday or Friday of this week in respect of the business to be taken up in the second week of the Session.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

Mr. J. A. Shillidy (Secretary, Industries and Labour Department) : Sir, I beg to move :

"That this Assembly do proceed to elect in such manner as the Honourable the President may direct three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Roads' and 'Broadcasting', dealt with in the Department of Industries and Labour."

The motion was adopted.

Mr. President : I may inform the Assembly that for the purpose of election of members to the Standing Committee for the Department of Industries and Labour the Assembly Office will be open to receive nominations up to 12 noon on Wednesday, the 9th September, 1931, and that the election, if necessary, will take place in this Chamber on Wednesday, the 16th September. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

THE INDIAN PRESS BILL.

The Honourable Sir James Crerar (Home Member) : Mr. President, I beg to move for leave to withdraw the Bill to provide for the better control of the Press which was introduced on the 15th January, 1931. I think that the motion which stands next in the List of Business will suffice to explain the object of my present motion. The Bill which is the

[Sir James Crerar.]

immediate subject of the present motion is a more comprehensive measure which was introduced in the last session, and with which, for reasons which were then explained to Honourable Members, the Government decided at that time not to proceed. We now contemplate a much more restricted measure, directed specifically and exclusively to the restraint of incitement to, or the encouragement in other ways of, murder and other violent crimes. It is as a preliminary to my making that subsequent motion that I lay this motion before the House.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, it may appear to be somewhat unusual that I should rise to oppose the withdrawal of a reactionary piece of legislation like the one which the Honourable the Home Member wants to withdraw. But as has been made clear by his speech, the reason for his withdrawal is not that he wants simply to withdraw the Bill, which of course I would have welcomed, but that he wants to withdraw to enable him to bring in another Bill of a more drastic nature. This Bill, which he wishes to introduce, if leave is granted to him to withdraw the other, was not placed in our hands till we came into this House to-day. In all fairness we should have been given an opportunity to study the provisions of both the Bills, and I think if the Honourable the Home Member gives us an undertaking that he will not move the next motion before we have had sufficient time to study the next Bill, then we will not oppose this motion. Otherwise, you are simply taking us unawares. When we enter the hall at 11 o'clock, you place heaps of papers in our hands and expect us to judge which measure is good and which measure is bad : that is something more than human. We know that the members of the Indian Civil Service are endowed with rare gifts of intellect, but for those who are not members of that heaven-born service, some allowance should be made for their intelligence. I would like to know whether the Honourable the Home Member will give us at least two days' time to think over the matter whether we should or should not oppose the withdrawal of this Bill. I do not know his mind, and I would like to know what he thinks before we make up our minds. I can tell him that we have not had time to go through the provisions of the other Bill which he proposes to introduce. I do not think anybody on this side could have done so—and in fact it will be a dereliction of our duty if we do not devote sufficient time to a study of the provisions of the Bill before giving our support to the withdrawal of the Bill. The Honourable the Home Member may take it that we on this side of the House will not approve of the withdrawal of this Bill unless we get at least two days' time for studying those provisions.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I wish to make a few observations at this stage. I never expected last session, when my Honourable friend the Home Member postponed consideration of this Press Bill, that he would be in an indecent hurry to bring it forward in another form again this session and would ask the permission of the House for withdrawal of the old Bill so that he could introduce the new Bill. I agree with my friend, Mr. Dutt, that we have not had time to read the contents of the new Bill that he is going to introduce ; but it seems that if his purpose is to gag the Press, which the Government of India did by means of ordinances during the Civil Disobedience days, he is going to

meet with strong opposition from this side of the House. When the Honourable the Home Member did not want further consideration of his Bill last session, we thought he was one with us and desired to create a good atmosphere in the country. At that time, Sir, it is well known, that negotiations were going on between Mahatma Gandhi and Lord Irwin, and everybody was anxious—we on this side and the Home Member on the other—that there should be a peaceful atmosphere. Even very recently, there were negotiations going on between Mahatma Gandhi and the Viceroy ; and if newspaper reports be correct, the Honourable the Home Member played a splendid part in those negotiations. If he played that splendid part, I ask him to play that part again. What is the necessity of having another piece of oppressive legislation on the anvil ? Is it going to create a good and calm atmosphere in the country ? Will it not divert our attention from the greater atmosphere of peace and goodwill for the success of the Round Table Conference to the persecution and prosecution that Government will launch in every province against the Press ?

It has been said that the vernacular Press and certain portions of the Indian-owned Press incite to violence. I do not have access to those papers to which the Home Member and the Government of India have access. I did not have any opportunity to glance through certain papers placed in our hands as they were placed in my hands only this morning on the floor of the House. What was the situation two months ago is not the situation at present. That, Sir, everybody must recognise. At present the Home Member is aware that throughout the country there is a better tone ; and not only the leaders and public men throughout the country but also the Indian Press are trying to control the temper of the country. But if it is the opinion of the Government of India that it is public men and leaders of the type of Mr. Subash Chandra Bose (whose speeches I find have been quoted) and the vernacular Press that incite young men to terrorism, then I say, they are entirely in the wrong. I am not one who is in love with terrorism or with violence, but I do not want Government to make a wrong diagnosis at this time and at this stage when all our hearts, all our minds and all our eyes are turned to London where Mahatma Gandhi is going to settle the future constitution of India. I want to know this : do the Government of India want a peaceful settlement ? Or is it that they have got a certain message, confidential or official—I do not care what it is—from the Conservative Secretary of State ? Already there is a great suspicion throughout India against the present so-called national government in England. The Labour Party has abdicated and a few Labour men have combined with the Conservative Party to form an almost Conservative Cabinet. It does not in the least matter if there are a few Labour Members or a few Liberals in that Cabinet. The policy of the Conservatives is well known and it suits so well the bureaucrats here who rule India to get their own repressive actions supported by the Conservative Government of England. The Honourable the Home Member is therefore liable to the twofold charges that he is trying to get passed what he and his Civil Service Government in India wanted so long and which they, now, can get through with the help of the Conservative Government in England ; and I want to ask him, is it going to create a good atmosphere ?

Are the Government of India so afraid from the secret documents that their Criminal Intelligence Department possess that the young men are going to murder everybody, official as well as non-official ?—I am aware.

there have been murders ; but those murders are the results of the *lathi* charges and repressive policy of the Government and the police during the Civil Disobedience movement. They imbibed that spirit through no encouragement from the speeches of the leaders.

I know some of these leaders whose speeches have been quoted. I read occasionally some of the vernacular papers, and I don't think the articles contained in those papers excite me or incite me to violence. If you contend that those articles excite me, then I would draw the attention of the Honourable the Home Member to the articles the *Statesman*—the paper of my Honourable friend Mr. Arthur Moore—wrote during the period of delicate negotiations that were going on last month when Mahatma Gandhi did not sail in the "Mooltan" and had to sail by a subsequent boat. Did the Honourable the Home Member or his Deputy—my friend Mr. S. N. Roy whom I am so glad to meet again on the floor of this House—did they ever take note of those articles that created incitement throughout the period of those delicate negotiations ? Those of us who read those articles felt that nothing roused hatred against British Government, nothing undermined the British influence as those articles.....

Mr. Amar Nath Dutt : Who is the Editor of that paper please ?

Mr. B. Das : I think my friend Mr. Arthur Moore is now the acting Editor, and I was happy to know he became the Editor, but I was not happy to read those articles in his paper published in those days. Did the Government prosecute the *Statesman* ? Sir, the Government have got ample powers to prosecute those who write seditious articles. Only the other day I read in a paper that the Editor of a certain paper had been prosecuted and punished. Why are the Government so anxious to create bad blood between those who have stood by them and helped them to come nearer to a peaceful solution of India's future unless it is for what the *Statesman* thinks and dictates. The *Statesman* does not want peace ; the *Statesman* does not want the evolution of Dominion Status in India. What the *Statesman* has advised the rulers of India, is that they should go back to the prehistoric days and rule India again with mailed fist and with iron hand. If that is the policy of the Government of India, then I congratulate the Honourable the Home Member to have persuaded the Governor General in Council to come to a decision to introduce such a measure as this.

Sir, I oppose the withdrawal of that Bill, because if it was a mere motion for withdrawal, I for one would have blessed it with all my heart. But it is going to create blood ; it is going to rouse the nation to anger and impress upon them the state of their helplessness. And to-day, Sir, we saw what happened on the floor of this House this morning ? My old friend Mr. K. C. Roy, who may rightly be called the father of Indian journalism, was not in a position to sit here to-day, I knew he was ill, but still he stuck on to the House to hear what his journalist friends in this House and what those friends on this side of the House who sympathise with Indian journalism would say on this repressive measure which the Government have in view. Sir, I oppose the withdrawal of this Press Bill.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I should like to say a few words in connection with

the motion of withdrawal of the Honourable the Home Member. I don't see the relevancy of dragging in a discussion on an independent motion which the Honourable Member is likely to make and which stands in his name as item No. 2 in the Agenda of today. For the present, we are merely concerned with the motion of the Honourable the Home Member that the Bill which he had introduced in January last should be allowed to be withdrawn, and I have heard absolutely nothing from Honourable Members who have spoken from this side of the House to justify the opposition to the motion of withdrawal. When the next motion is made, it will be then time for the Honourable Members of the opposition to criticise that motion, but I think to couple the two together....

Mr. Amar Nath Dutt : Who has coupled it ? It is he who has done it.

Sir Hari Singh Gour : He has done nothing of the kind ; to couple the two together and to treat this withdrawal as if it were leave to introduce another Bill is, I submit, wide of the mark. I would therefore request Honourable Members to refrain from commenting upon a measure which is not before the House so far and to allow the Honourable the Home Member leave to withdraw.

The Honourable Sir James Crerar : Sir, the remarks which have fallen from the Honourable and learned gentleman opposite have absolved me from a great deal of the responsibility that might otherwise have fallen on me to reply to the observations that have been made in the course of the discussion. I only want to make one point perfectly clear, and that is, that if the House accepts this motion, as the House will I trust accept it, then neither the House nor any individual Member of it will be in any way prejudiced or compromised in any opinion he may hold or may hereafter desire to express on a measure which is not now before the House on this motion.

Mr. President : The question is :

“ That leave be granted to withdraw the Bill to provide for the better control of the Press which was introduced on the 15th January, 1931.”

The motion was adopted.

The Honourable Sir James Crerar : Sir, I withdraw the Bill.

Mr. President : The Bill is withdrawn.

The Honourable Sir James Crerar : Sir, I move for leave to introduce another Bill to provide for the better control of the Press. At this stage I do not think it will be necessary for me to add anything to the presentment of the case contained in the Statement of Objects and Reasons.

Mr. President : Motion moved :

“ That leave be granted to introduce another Bill to provide for the better control of the Press.”

Diwan Bahadur T. Rangachariar (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, I do not want to make any speech just at this stage. I am rather disappointed with the Honourable the Home Member because he said that he did not consider it necessary to make any speech in support of his motion, but I am bound to say this that, if he is going to make the later motion with the Bill as it stands, I am afraid he will get no help from this side of the House and unless he is prepared to show a change of heart and a readiness to alter the measure he cannot expect any help though we are prepared to face the facts with him.

[Diwan Bahadur T. Rangachariar.]

But he should not take advantage of the excitement created by these successive murders to enact a law in the way in which it is proposed to be done. I should like the Honourable the Home Member to give an assurance to the House, so that we may come prepared next time for a discussion, whether the Government is going to take the attitude which they have shown today in respect of this Bill, or whether they are going to adopt some other attitude.

The Honourable Sir James Crerar : I find some difficulty, Sir, I must confess in understanding precisely the nature of the assurance which the Honourable and learned gentleman opposite desires to obtain from me. If it is an assurance that Government do not desire to take advantage of any excitement in the state of public opinion, that they do not wish to invite from the House, anything else than a calm and temperate judgment of the facts and of the remedies that have to be applied to those facts, then I can give him that assurance. But so far as the contents of the Bill are concerned, my purpose is to submit them, at a later stage when the principles and details of the Bill will come under consideration, to the House, so that they may be fairly and fully considered. At the present stage, as my friend is aware, if the House passes this motion, it will be in no way committed to the principles or details of the Bill. I am afraid, therefore, that though I am perfectly willing to give the first assurance, as regards the second, I can only say that the Bill will in due course, both in its principles and details, come before the full scrutiny and judgment of the House.

Sir Hari Singh Gour : May I ask the Honourable Member one question ? Is it the intention of the Government to move for reference to a Select Committee ?

The Honourable Sir James Crerar : Yes, that is the intention.

Mr. President : The question is :

“ That leave be given to introduce another Bill to provide for the better control of the Press.”

The motion was adopted.

The Honourable Sir James Crerar : Sir, I introduce the Bill.

THE INDIAN MINES (AMENDMENT) BILL.

Mr. J. A. Shillidy (Secretary, Industries and Labour Department) : Sir, I move for leave to introduce a Bill further to amend the Indian Mines Act, 1923, for a certain purpose.

It is a very short Bill and it has been fully explained in the Statement of Objects and Reasons. Sir, I move.

The motion was adopted.

Mr. J. A. Shillidy : Sir, I introduce the Bill.

THE INDIAN SUCCESSION (AMENDMENT) BILL.

Sir Lancelot Graham (Secretary, Legislative Department) : Sir, I move for leave to introduce a Bill further to amend the Indian Succession Act, 1925, for a certain purpose.

That purpose, Sir, is an extremely limited purpose, and is fully set out in the Statement of Objects and Reasons attached to the Bill to which I have nothing to add. Sir, I move.

The motion was adopted.

Sir Lancelot Graham : Sir, I introduce the Bill.

THE SHERIFF OF CALCUTTA (POWERS OF CUSTODY) BILL.

Sir Lancelot Graham (Secretary, Legislative Department) : I move for leave to introduce a Bill to extend the powers of the Sheriff of Calcutta to hold persons in lawful custody.

I may inform the House that the Bill is not so alarming as it sounds. The Bill is really a very small Bill, the necessity of which was brought to our notice by the High Court of Calcutta arising, out of a temporary dislocation in traffic in Calcutta due to the reconstruction of the Alipore Bridge, as a result of which persons taken to and fro between the High Court and the Presidency Jail are actually taken outside the limits of the ordinary original jurisdiction of the Calcutta High Court. To prevent any ill consequences following from such an act of apparent technical illegality, it is proposed to give these special powers to the Sheriff. Sir, I move.

The motion was adopted.

Sir Lancelot Graham : Sir, I introduce the Bill.

THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands) : I move for leave to introduce a Bill to amend the Aligarh Muslim University Act, 1920, for certain purposes.

I believe, Sir, that the Bill is of a non-controversial nature. I move.

The motion was adopted.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Sir, I introduce the Bill.

THE LAND CUSTOMS (AMENDMENT) BILL.

The Honourable Sir George Schuster (Finance Member) : I move for leave to introduce a Bill to amend the Land Customs Act, 1924, for a certain purpose.

That purpose is clearly explained in the Statement of Objects and Reasons. Sir, I move.

The motion was adopted.

The Honourable Sir George Schuster : Sir, I introduce the Bill.

THE FOREIGN RELATIONS BILL.

Mr. E. B. Howell (Foreign Secretary) : I move for leave to introduce a Bill to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Governments of foreign States.

This Bill, if it becomes law, will have the effect of bringing our Indian legal system into conformity with that of the United Kingdom, the Dominions, and I may add, practically all civilized countries. It is not intended to give protection to any particular person or to meet the demands of any particular country. It is a matter of principle. I do not propose to anticipate at present what I may have to say at a later stage, but I think that the House is entitled to some preliminary explanation and I propose to give that now.

As things are, until the Foreign Relations Ordinance was promulgated in April last, the Government of India had no means of dealing with persons responsible for attacks on the rulers of foreign States. No matter how malicious, how gratuitous, or how false those attacks might be, or how disastrous the consequences of them might be to the country concerned, the Government of India was impotent. Not all India's neighbours are very advanced politically, and some are in such a condition that the dissemination of a wild rumour or a mere whisper that a rival candidate for power is about to enter the field may easily cause movements of armed men, destruction of property and loss of life. Against such consequences the rulers of these States have a right to be protected, and the inability of the Government of India to give that protection constitutes a lacuna in our system. It is the fulfilment of India's international obligations that requires that the Government of India should possess powers, the exercise of which, under necessary safeguards of course, will enable them to deal with such a situation. The Foreign Relations Ordinance was promulgated on the 6th April last. It expires on the 6th October next ; and in view of the determined efforts made by one or two organs of the Press in this country to take sides in what is, after all, none of their business, but a purely domestic affair of one of our neighbours, the Government of India cannot afford to be without a weapon which that Ordinance afforded. It is therefore proposed that the Ordinance should be replaced by a permanent measure on the Statute-book. Sir, I move.

The motion was adopted.

Mr. E. B. Howell : Sir, I introduce the Bill.

THE HEAVY CHEMICAL INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I move for leave to introduce a Bill to provide for the protection of the heavy chemical industry.

The object of this Bill is to give effect to the decisions of the Government to impose certain protective duties on magnesium chloride and certain other heavy chemicals. I do not think it is necessary for me to say anything more at present. Sir, I move.

The motion was adopted.

The Honourable Sir George Rainy : Sir, I introduce the Bill.

THE PROVISIONAL COLLECTION OF TAXES BILL.

The Honourable Sir George Schuster (Finance Member) : I move for leave to introduce a Bill to amend the law providing for the immediate effect for a limited period of provisions in Bills relating to the imposition or increase of duties of customs or excise.

3 P.M. This, Sir, is a simple measure which deals with a matter which was brought very vividly before the attention of this House during the last session. Honourable Members will recollect that not only last session but in preceding sessions, in dealing with the Finance Bill, this House has been subjected to considerable embarrassment by the fact that the term of the Provisional Collection of Taxes Act only lasts for 30 days. We have often had the experience of being brought, in the discussion of the Finance Bill, to a stage when the time available has been very short, and the last stages have had to be rushed through unless Government was to be put to serious embarrassment and a considerable amount of revenue were to be lost by a failure to pass the Bill within 30 days from the date of its introduction. The present Bill proposes to extend the period to 60 days, which should give ample time for the most elaborate discussion of the provisions of the Finance Bill. I trust that when it comes to taking this Bill into consideration, it will prove to be a non-controversial measure. Sir, I move.

The motion was adopted.

The Honourable Sir George Schuster : Sir, I introduce the Bill.

THE ANCIENT MONUMENTS PRESERVATION (AMENDMENT) BILL.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands) : Sir, I move for leave to introduce a Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes. The said purposes are mentioned in the Statement of Objects and Reasons appended to the Bill and the particular measures are given under the heading "Notes on Clauses". Sir, I move.

The motion was adopted.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 8th September, 1931.

LEGISLATIVE ASSEMBLY.

Tuesday, 8th September, 1931.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

DEATH OF MR. K. C. ROY.

The Honourable Sir George Rainy (Leader of the House) : We meet, Mr. President, to-day under the shadow of a sore and sudden bereavement. On the strange and dramatic circumstances in which one of our number was struck down in our midst whilst we were endeavouring to express our sense of loss at the removal of others, I will not dwell, for the thoughts which such an event must create in the mind of any man of ordinary humanity must be present to all our minds ! Standing as we do, Sir, under the immediate shadow of the tragedy, it is difficult to find fitting words to express what is in our hearts, and I will, therefore, Mr. President, be brief, because, in the face of the great tragedies of life, the emptiness of any words which we can use comes home to one strangely. Nevertheless, I will try, if I can, however imperfectly, to say something on behalf of the official Members of what we feel.

I suppose Mr. K. C. Roy was better known to us on the Official Benches, or to some of us at any rate, than any other non-official Member, for I believe it is more than 30 years since he became habitually resident at the headquarters of the Government of India—first, as a newspaper correspondent, and subsequently as the head of a great and important Press Agency. I remember well myself making his acquaintance about the year 1907 or 1908, when I was an Under Secretary to the Government of India. We have all of us for years past—at any rate those of us who are attached to headquarters—seen him from day to day as he moved in the exercise of his profession from one Department to another ; we have received his hospitality ; we have discussed with him all the important public questions that have exercised men's minds ; and his removal, therefore, leaves a blank in Simla and Delhi which will long and sensibly be felt. We mourn not only a colleague in the Legislature, but a close, personal friend. Of his public career, I will only say this. As a veteran journalist, he occupied a place in the forefront of his own profession in India. For eight years he was a Member either of the Assembly or of the Council of State, and in that capacity, and more and more as time went on, he played an active and influential part in all important public questions. Two questions he had made particularly his own, and they will always in our memories be associated with his name. *One* was the Indianization of the Army, and the other, the interests of Indians overseas. I, for one, when these questions come up for our consideration, will always have memories of how near they were to Mr. Roy's heart. Of his many personal qualities, I think what impressed me most was his whole-hearted patriotism, his very genuine kindness, his cordial hospitality, and his genius for friendship, and for all these qualities, we shall long remember him whom we have lost.

[Sir George Rainy.]

Into the sacredness of the sorrow of those near and dear to him, Mr. President, it is not for us to intrude ; but I know, Mr. President, that you will be carrying out the wishes of the whole House if you will convey to them, as you most fittingly can, the deep sympathy and sorrow which all of us feel. I would suggest, Mr. President, that, after what has occurred, you will be meeting the wishes of the whole House if, after we have tried to express our sympathy, you will adjourn the House as a mark of respect to the deceased.

Diwan Bahadur T. Rangachariar (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, while at our first meeting yesterday we were bemoaning the loss of the three departed colleagues of ours—staunch men and true—who had been removed by the cruel hand of death from the scenes of their respective labours during the interval since we last dispersed in Delhi, we little realised that He, the God of Death, was still busy within our fold choosing his victim ! In fact His messengers, Yama Dhutas, as we call them, had already entered our precincts and were laughing at us as it were by claiming another and a greater victim.

Mr. K. C. Roy was indeed a great man amongst us in every sense of the term. He was a universal friend. He was always ready with sage counsel. Young and old sought his advice—official and non-official alike. He enjoyed the confidence of everyone. The most solemn secrets of the mighty and low were not kept as secrets to him. He kept those secrets most rigidly and honourably and at no time was confidence misplaced in him. He was extremely modest and retiring. He used to father the credit really due to him for real achievements, to others. He always kept himself in the background. I know he did so in my own case when we were together in London on the Kenya Committee. He was not of that gushing pushing type of men whom we come across frequently. His manners were sometimes unconventional, but he was every inch a gentleman. His knowledge of men and matters was unique. He had a remarkable memory for names and events. For long we will miss K. C. Roy of Delhi and Simla. Who amongst us has not sought his company in that little room of his where he used to receive us in a most hearty and unconventional way ?

Sir, the Government have lost a wise and a safe guide. The country has lost a sincere patriot. He was not of the noisy set : he was truly and sincerely patriotic. He may be said to be the father of the modern Indian Press. To his genius and power of organisation we owe that world-famous news agency—the Associated Press of India. That agency has not only spread news, but has also been helping in creating healthy public opinion. Mr. Roy was a truly great man. Words fail me. The Assembly has lost a wise and popular Member. We could ill-afford to lose such a true physician at this critical juncture when this country's future is in the throes of a new birth. The Press could ill-afford to lose him now. I am not sure the anxieties which he had about the new Bill for the better control of the Press did not hasten his end. He had, I know, planned to leave Simla, which did not at all suit him, and he would have gone down but for this Bill. The very last words I had with him yesterday on entering the Chamber were about

the Bill, as to how best it should be shaped to meet only the real necessities of the situation and at the same time to see that it does not affect the liberty of the Press. The Assembly will miss his sage guidance in the Committee stages of the Bill. The Assembly owes it to the departed patriot—the seniormost man among Indian journalists—to see that in its anxiety to get rid of terrorist crimes it does not sanction provisions which may have the effect of killing or crippling the Press in the country. To Mrs. Roy no words which we can utter here can give real comfort. You may, Sir, in your message to her give her the assurance that she is not alone in grieving for this great blow she has sustained : the whole country is mourning with her. May Mr. Roy's soul rest in peace !

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : In the absence of Sir Abdur Rahim, Mr. President, I rise to associate the Independent Party with the Resolution that has just been moved. I had not the honour of knowing Mr. K. C. Roy for any length of time, but there are many here who have known him for 15 to 20 years. One point in the career of the late Mr. Roy that most impresses me is that he was a really and truly self-made man. He rose from the bottom of the ladder in journalism to the very highest rung in this country—an achievement which undoubtedly must have required character, honesty of purpose, sincerity and, above all, the capacity to keep confidence. It has been rightly said that Mr. Roy was one of the most unassuming of men, a characteristic which will appeal, I feel sure, to many in this House. He never thrust himself upon anybody, and at the same time was ever ready with a helping hand and valuable advice to anybody who approached him. I personally am aware of the fact that he was most concerned about the legislation that is to be brought before the House very shortly and this was exercising his mind to an extent I could not have possibly believed. It was only yesterday morning—perhaps only a few minutes before the fatal attack overtook him—that he was discussing this question and trusting and hoping that this Honourable House would do the right thing in the right way. I have nothing further to say, Mr. President, except to whole-heartedly associate my Party with the motion which has been moved.

Mr. Arthur Moore (Bengal : European) : The Leader of the House and the other speakers have, I think, said all that can be said in the face of this calamity that has overtaken us. We, on this side of the House, desire to identify ourselves with the motion before the House . and, with your permission, Sir, I should like personally to associate myself with it on behalf of Mr. Roy's colleagues in the Press Gallery and on behalf of the profession of which he was such a distinguished member.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, I knew Mr. K. C. Roy for the last 11 years since I have been in the Indian Legislature. I always found him a great patriot, full of zeal for doing good to his country. He was greatly respected in society, and yesterday, when we met, he did not know that this sudden attack upon him would bring about his loss to this House and to the country. When we came to the House he was talking very cheerfully, mixing with all the new Members and the old friends in the same usual manner which was his characteristic. In him we have lost a patriot

[Mr. Muhammad Yamin Khan.]

and a man who was liked and loved by everybody who was his friend in society. With these words I associate myself with all that has fallen from the Honourable the Leader of the House and the other Members of the House.

Mr. A. H. Ghuznavi (Dacca cum Mymensingh : Muhammadan Rural) : Sir, in the tragic and sudden death of Mr. K. C. Roy, the House has lost one of its valued Members and I, Sir, have lost a personal and an intimate friend. Perhaps no one in this House knew him for so many years as I did and none know his earlier career as much as I do. Sir, a little over 30 years ago, I remember the day when Mr. Roy approached me to take him round to my revered friend and my political Guru, the late Sir Surendra Nath Banerjee, and ask him to allow him to work as a Reporter on the *Bengalee* staff. From an humble clerk in the Hindu Hostel, Roy took to reporting and he rose to this eminent position of a journalist by dint of his ability and perseverance. I still remember those days of his career when Roy conceived the idea of this News Agency, and how and under what circumstances he did it. The whole thing comes to my mind vividly today. After leaving the *Bengalee* he worked as a Reporter in the *Indian Daily News*, and while reporting the Congress proceedings of the Benares Session this idea of an Indian news agency came to his mind. Alone did he pursue this work tenaciously and work it out till he achieved his great object. The late Mr. Graham, the Editor and proprietor of the *Indian Daily News* no doubt assisted Mr. Roy, but nevertheless it may be said to Mr. Roy's credit that the idea of the agency originated in his fertile brain. Sir, some of us here are aware of the keen competition he had to face with the Reuter's News Agency till at last he succeeded in combining both. Sir, we, the Members from Bengal in this Legislative Assembly, were proud of Mr. Roy, and his tragic death has plunged us into deep grief. Only a week ago when I met Mr. Roy he complained of ill-health and of high blood pressure, and in spite of his doctor's advice, he would not go down to the plains, but he toiled on serving on the Retrenchment Committee. And only yesterday when I asked him on the floor of this House why he did not go down to the plains, he said to me that probably because he would one day drop down dead and that's why. Alas that prophecy came too true only within a few minutes of its utterance. Sir, our deep sympathy goes to that desolate widow and to the bereaved family. No word of ours, no human sympathy can console them in their affliction, but when they will know that all who knew Mr. Roy mourn his loss, it will undoubtedly lighten the burden of their intense grief. With these words, I associate myself with what has fallen from the Honourable the Leader of the House and the other Members who have just spoken.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I rise to pay my tribute of tears to the memory of one with whom I was intimately associated for nearly 40 years. If one Honourable Member had the good fortune to know him for 30 years, my memory goes back to days nearly 40 years ago when I was a boarder in the Eden Hindu Hostel, of which he was the Assistant Superintendent and it was a peculiar piece of good fortune for me to be associated with him in later years in this Legislature. In my boyhood I was under his guardianship and was brought up by him with affectionate care. Sir, my heart is too full now to give expression to all that I feel. If he was intimately associated with the officials here, he was no less intimately associated with his own countrymen,

and I, for one, knew how his heart throbbed for the progress and freedom of his Motherland. Sir, he was an architect of his own fortune. I remember those days when he came helpless to the city of Calcutta and built up a career for himself, and thereby he also opened a career for our young men in those days. One other great man of my own province, the late Iswar Chandar Vidyasagar, of revered memory, is the only one with whom he could be compared. I only hope that the memory of those days when we were associated with him may help us on this Opposition side of the Legislature and the Official Benches to go hand in hand in the onward march of the progress of the land of our birth and the land of their adoption so that from Heaven he may witness that his lifelong labours have fructified in giving India a constitution with which every one will be satisfied, officials, Anglo-Indians, Indians as well as Europeans. I do not know how to console the widow whose loss is more than that of anybody else's in this House, but sorrow shared is sorrow soothed and the whole country mourns the loss of a true and sincere patriot. With these words I beg to associate myself with all that has fallen from the lips of the previous speakers.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : I wish to pay my tribute to the memory of Mr. Roy, who died practically on the floor of this House only yesterday. I was closely associated with him in the Retrenchment Committee, and I can speak with knowledge that he brought to bear upon his work an amount of information and an amount of ability and shrewdness of judgment which cannot be over praised. Mr. Roy had many friends and I can quite understand it because he had an amiability of character which attracted to him all those who ever came into contact with him. He has now passed away, and I am sure the sympathies of all the Members of this House will go to the bereaved widow and the children. Mr. Roy was the founder of the Associated Press, and as such he rendered very great service to the public in this country. So far as I can understand, he rose without much help to the eminent position of a journalist which he occupied in this country. Sir, I do not think it is necessary for me to add more, because every one who has known him will long cherish in his heart his kindness of disposition and his great warmth of character.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I rise with feelings of pain to speak on this Resolution, especially as the tragic incident took place yesterday at the psychological moment when I was expressing to the House how we mourned the death of three other Honourable Members of this House. Sir, I knew Mr. Roy since 1928, and the qualities which I found in him and which made him out a gentleman were that he had a genial nature and specially obliging manner. I do not think any man who went to him with a request returned disappointed. Sir, I have also seen his usefulness fully as a colleague in this House and I really deplore his passing away at this critical moment when specially the Press Bill is before this House. I express my deepest sympathy and I support this Resolution.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, as President of the Upper India Journalistic Association, to which position the late Mr. K. C. Roy invited me to succeed him a few months ago, and on behalf of the Indian journalists of whose profession he was the leader, I beg to associate myself with all the words and all the sentiments that the Honourable the Leader of the House gave

[Mr. C. S. Ranga Iyer.]

expression to today. Sir, the language of genuine grief is short, and I am really too much choked with grief today to talk about my personal associations with the late Mr. K. C. Roy, which extend over a period of seventeen years. Let us all pray for the progress of the late Mr. K. C. Roy's soul.

Mian Muhammad Shah Nawaz (West Central Punjab : Muhammadan) : Mr. President, by the tragic and untimely death of Mr. K. C. Roy yesterday, India has lost a great and a rare personality. The loss of this House is greater still. The illustrious deceased was a fine journalist, a sincere patriot and a very able and fluent speaker. His opinion always carried great weight and conviction, and during the debates of this House he showed great independence and courage. It is indeed very sad that at the present juncture of India's constitutional history when we needed his services most he is taken away from us by the cruel hand of death. But God's will must be done. His end was probably hastened by the hard work he did on the Retrenchment General Purposes Sub-Committee of which he was a distinguished member and on which he showed great ability and a wide knowledge of different subjects. Sir, universal sympathies will be felt with the equally distinguished widow of the deceased. We deeply mourn the irreparable loss. The illustrious departed soul was one of the most popular persons with all sections of all communities. Well he has fulfilled the wish of the Persian poet who said :

Yād dāri keh waqte zadane to

Hamān khandan budand wā to giryān,

Anchunan zi keh bāde murdane to

Hamān giryān shawand wā to khandan.

“Rememberest thou that at the time of your birth all around you were laughing while thou kept weeping : but O man, livest thou such life that after your death, all may be weeping while thou mayest be rejoicing in the next world.”

Sir, my family and I have lost a great and sincere friend. With these words, I associate myself with the motion proposed by the Leader of the House.

Mr. President : Gentlemen, I wish to associate myself with all that has been said by Honourable Members on this sad occasion. I first came to know Mr. Roy many years ago when he was struggling to firmly establish the Associated Press. When I compare the work which that organisation did then with what it is doing now, I cannot but admire the strenuous efforts by which, passing through various vicissitudes, Mr. Roy has brought up the Associated Press to its present standard of efficiency. In many directions and especially in his contact with the Members of the Legislature, everything that has been stated here is based on solid fact. The loss which the country and this Legislature has sustained is practically irreparable. I do not think many words are called for to express all that one feels on an occasion like this. It will be my duty to communicate to his widow and the members of his family the deep sympathy and sorrow of this House and as a mark of respect to his memory I adjourn the House till tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 9th September, 1931.

LEGISLATIVE ASSEMBLY.

Wednesday, 9th September, 1931.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

FACILITIES FOR TRAINING IN AGRICULTURE AT PUSA.

43. ***Mr. A. Das :** (a) Will Government state what facilities exist for training in general agriculture at Pusa ?

(b) Is the course regarded by the Government of India as adequate training for provincial Deputy Directors of Agriculture ?

(c) What is the staff of the agricultural section at Pusa ? What are their qualifications ? Which are qualified to give a course of instruction in general agriculture of the standard given in British universities ?

(d) Do Government consider the present staff of the Agricultural Section at Pusa adequate in numbers and qualifications to give the highest type of training in general agriculture ?

(e) If not, are Government prepared to consider the question of strengthening the teaching staff of the agricultural section at Pusa by the appointment of graduates of Indian universities who have taken post-graduate courses in agriculture in a British or foreign university ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). Regular courses in general agriculture are not given at Pusa, but at the Provincial Agricultural Colleges. Special post-graduate courses of one year's duration are, however, given in farm organisation, farm management and general farm engineering, to specially deputed students, and since 1924 a post-graduate course in Animal Husbandry and Dairying has been instituted to enable students to equip themselves for admission to the general (or agricultural) branch of the Agricultural Departments. The question of developing the latter course to make it suitable for Deputy Directors of Agriculture is under consideration.

(c), (d) and (e). The superior posts attached to the Agricultural Section for both research and teaching are, (a) four Class I posts, viz., those of Imperial Agriculturist, Agronomist, Agricultural Engineer, and Supernumerary Agriculturist, and (b) two Class II posts, viz., those of First Assistant to the Imperial Agriculturist, and Cattle Superintendent.

The first three of these posts have been vacant for some time past, but instruction has been given by the incumbents of the other three posts, with satisfactory results. The first of them is a B.A. and Diplomate of Agriculture of Cambridge University ; the second is an L. Ag. of the Punjab Agricultural College, and the third is a graduate of Bengal Veterinary College. Proposals are, however, under consideration for

reorganising the Section and increasing the staff, and the suggestion made in (e) of the question will be borne in mind in connection with them.

RECENT STERLING LOAN.

44. *Mr. A. Das : (a) Has the attention of Government been directed to the article headed " Yet another sterling loan " in the *Leader* of the 27th May, 1931 ?

(b) Out of this ten million loan how much is for " general purposes " and how much for " railway purposes " ?

(c) What are the specific railway and general purposes for which the said loan has been floated ?

(d) How much of the loan has been subscribed ?

(e) Are the figures about the profits of the railway earning, i.e., the rates of interest charged to railways year by year from 1920-21 to 1929-30 in respect of capital expenditure given in the said article correct ?

(f) What return do Government expect on the investment to be carried out by this loan ?

(g) Has the loan been floated with the approval of the Standing Finance Committee for Railways and the Standing Finance Committee for general purposes ?

(h) What institutions in India and London have objected to the floating of the said loan, and how have Government considered their objection ?

The Honourable Sir George Schuster : (a) Yes.

(b), (c) and (f). The proceeds of all the loans raised by the Government of India are utilised for railway and other capital expenditure and for general purposes. It is not possible to say before the accounts of the year are made up how the total amount borrowed by the Government of India has been utilised. A particular loan is not earmarked for particular expenditure and the interest charged to Commercial Departments is based on the average cost of borrowing.

(d) The whole loan has been subscribed.

(e) Yes.

(g) No. The approval of the two Committees is not required for the floating of loans.

(h) The Government of India have received direct communications from five Indian Chambers of Commerce in India and from the Indian Chamber of Commerce, Great Britain. The views expressed in these communications have been noted by the Government.

Mr. K. Ahmed : Are Government aware that at half a per cent. discount below par the bonds were sold in England just after the first date of sale when subscriptions were invited, and as a matter of fact Indians purchasing the sterling bonds issued by the Secretary of State were losers, because they did not know whether it was going to be sold below par (at a discount of half a per cent.) and had to pay at par ?

The Honourable Sir George Schuster : I am very grateful to the Honourable Member for his information.

Dr. Ziauddin Ahmad : Is a part of this loan intended for the purchase of the Bengal and North Western Railway ?

The Honourable Sir George Schuster : No ; no part will be available for that purpose.

Dr. Ziauddin Ahmad : Is it not a fact that the loan was subscribed immediately, and will it not be possible for them to float an additional loan for the purchase of that railway ?

The Honourable Sir George Schuster : The loan is already required for other purposes.

Mr. A. Das : Will the Honourable Member mention what are the specific railways and the heads of general purposes as mentioned in clause (c) of my question ?

The Honourable Sir George Schuster : In my answer I have already informed the Honourable Member that it is impossible to give the exact particulars until the accounts are made up at the end of the year. When the accounts are made up, the Honourable Member will be able to have the information which he requires.

Mr. A. Das : May I ask the Honourable Member if he should be able at least to tell us what particular railways are being helped and on what heads of general purposes the money is being spent, irrespective of the amount that is spent on a particular railway or head of general purpose ?

The Honourable Sir George Schuster : I think there seems to be some misapprehension in the mind of the Honourable Member. In the financial arrangements which are made each year a certain sum is included for capital expenditure on railways. Capital expenditure on railways is divided over a very large number of heads and over the whole of the railways for which the Government of India are responsible. It is impossible to give any details at this stage which would be of the slightest value to my Honourable friend, and therefore I would ask him to wait until it is possible to give accurate information when the accounts for the year are made up.

Mr. A. Das : Will the Honourable Member mention to this House whether the return which he expects from the loan would be more than sufficient for the cost incurred ?

The Honourable Sir George Schuster : No. The Government of India have certainly not borrowed more than the Government of India require.

THE CREW SYSTEM OF RAILWAY TICKET CHECKING.

45. ***Dr. Ziauddin Ahmad :** (a) Will Government give reasons on account of which the crew system in the East Indian Railway proved to be a failure ?

(b) Was not the experiment tried on the North Western Railway and has it not failed ?

(c) Why did Government not learn from their past experiences ?

(d) Is it not a fact that in the original report recommending the crew system in the East Indian Railway, the estimates of the expenditure

of the crew system were given for four divisions and the expenditure as it then existed was given for six divisions, with the conclusion that the crew system would be more economical ?

(e) Will Government lay the original report on the table ?

(f) Why was the mistake not detected by the staff of the Railway Board ?

Mr. A. A. L. Parsons : (a) I would refer the Honourable Member to the Report of the Committee appointed by the Railway Board to inquire into the working of the crew system on the East Indian Railway, a copy of which was sent to him on the 21st April, 1931.

(b) The crew system was introduced on the North Western Railway but owing to the necessity for retrenchment that arose shortly afterwards, the system was discontinued before it was given a full trial.

(c) Does not arise.

(d) No.

(e) I will have a copy of the Report placed in the Library.

(f) There was no mistake.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say what system is at present in force on the North Western Railway in place of the crew system ?

Mr. A. A. L. Parsons : I am afraid I must ask the Honourable Member for notice of that question. I have been away for two months and I am not aware whether there have been any changes recently.

Mr. Lalchand Navalrai : Am I to understand that the crew system on the North Western Railway has not failed as alleged in the question ? The Honourable Member has given no direct reply to it ?

Mr. A. A. L. Parsons : As I explained, the crew system was abolished on the North Western Railway as a measure of retrenchment.

Dr. Ziauddin Ahmad : I should like to know whether the crew system on this railway failed or was dropped on account of retrenchment ?

Mr. A. A. L. Parsons : It was dropped on account of retrenchment.

Dr. Ziauddin Ahmad : But that is not the verdict of the Moody Report ? They said that it had failed ?

Mr. A. A. L. Parsons : That report dealt with the East Indian Railway and not with the North Western Railway.

Dr. Ziauddin Ahmad : I think they referred to the North Western Railway as well in that Report.

CHARGES AGAINST MR. HARRIS, WHEN IN CHARGE OF THE CREW SYSTEM.

46. ***Dr. Ziauddin Ahmad :** (a) Were any charges made against Mr. Harris who was in charge of the crew system ? If so, what ?

(b) Why was he not prosecuted ?

(c) Will Government be pleased to give the details regarding the cloth for the uniform of the crews ?

Mr. A. A. L. Parsons : (a) Government are not aware that any charges were made against Mr. Harris.

(b) Does not arise.

(c) This part of the question is not understood.

ADOPTION OF THE MODY SYSTEM OF RAILWAY TICKET CHECKING.

47. ***Dr. Ziauddin Ahmad :** (a) Has the Mody scheme been sanctioned by the Railway Board ?

(b) If the reply be in the affirmative, will Government be pleased to state the date on which the sanction was accorded ?

(c) Will Government be pleased to state whether the scheme was not adopted in the Moradabad section prior to its sanction by the Government of India ?

(d) Is it not a fact that Ticket Inspectors in this section had no uniform and no visible means of identity ?

Mr. A. A. L. Parsons : (a) The scheme sanctioned by the Railway Board for the East Indian Railway is that recommended in the Report of the Committee appointed by the Railway Board to enquire into the working of the crew system on the East Indian Railway.

(b) The sanction to the adoption of the scheme was communicated to the Agent of the East Indian Railway on the 2nd April, 1931.

(c) and (d). No.

PROMOTION OF A RAILWAY FIREMAN.

48. ***Dr. Ziauddin Ahmad :** Is it not a fact that one Mr. Dunwell, who was drawing Rs. 90 as fireman in the East Indian Railway, was promoted as Line Inspector (without demand of qualifications) on Rs. 150 *per mensem* and then promoted as Chief Inspector on Rs. 240 *per mensem* and was put over persons who were better qualified and had longer services ?

Mr. A. A. L. Parsons : Mr. Dunwell was promoted from fireman to Line Inspector in 1927 because he was well educated and exceptionally well reported on. There were at the time no men better qualified than Mr. Dunwell for the post. His work in that capacity fully justified his subsequent selection for the post of Officiating Chief Inspector in August, 1929. He discharged the duties of Chief Inspector with credit until the crew system was abolished in April, 1931, when he reverted to the post of Inspector, Grade I, to make way for senior men. He has been strongly recommended for promotion to Chief Inspector when a vacancy occurs.

RETRENCHMENT ON RAILWAYS.

49. ***Dr. Ziauddin Ahmad :** (a) Will Government be pleased to state its policy about retrenchment in various Railways ?

(b) How many posts bearing salaries of Rs. 500 or more were retrenched ?

(c) What is the proportion of the Musalmans in each class of appointment retrenched ?

(d) How many of the persons whose services have been dispensed with, have been provided ? How many of them are persons bearing European names ?

Mr. A. A. L. Parsons : (a) The policy of Government has been to effect retrenchment in all possible directions on railways in view of the serious decline in gross earnings and in the volume of traffic and other business of the Department but at the same time to make suitable provision with a view to mitigating the hardship entailed by the unfortunate necessity of reducing the staff.

(b) I have called for information and will communicate with the Honourable Member on its receipt.

(c) Government regret that they cannot undertake to collect communal statistics in respect of the retrenchment made in each separate class of establishment.

(d) Omitting the East Indian, Burma and Bengal Nagpur and Bombay, Baroda and Central India Railways, in respect of which Government have no information, the number of men discharged who have been since re-employed is 755 of whom 3 bear a European name.

Mr. Lalchand Navalrai : Will Government be pleased to say whether this retrenchment has been undertaken from the top to the bottom or if it is only confined to the subordinates ?

Mr. A. A. L. Parsons : The Honourable Member, if my recollection is correct, is now asking as a supplementary question what he proposes to put as a main question later on.

Mr. Gaya Prasad Singh : Will a copy of the Report to which the Honourable Member just referred be available to other Members of this House as well ?

Mr. A. A. L. Parsons : I am quite prepared to lay the statement on the table, but these statistics are ephemeral and change from month to month, and so when I give them I think it should be sufficient if I put copies in the Library.

APPOINTMENT AT HOWRAH OF A RAILWAY OFFICER RETRENCHED AT TUNDLA.

50. ***Dr. Ziauddin Ahmad :** Is it not a fact that the post of Assistant Superintendent, Watch and Ward, Tundla, East Indian Railway, was retrenched, but the incumbent of the post was immediately provided by creating a new post of Private Secretary to the Superintendent, Watch and Ward, Howrah ?

Mr. A. A. L. Parsons : The post of Assistant Superintendent, Watch and Ward, Tundla, has been held in abeyance since April, 1931, and its incumbent transferred to Headquarters, as Assistant Superintendent, Watch and Ward, to fill an existing post in the cadre of the Department. No new post was created.

INDIAN TERRITORIAL FORCES IN THE UNITED PROVINCES.

51. ***Dr. Ziauddin Ahmad :** (a) Do Government intend to maintain the Indian Territorial Forces in the United Provinces ?

(b) Do Government give preference to the members of the Indian Territorial Force for recruitment in the regular Army ?

(c) Do Government intend to use the Indian Territorial Force for maintenance of internal order and peace ?

Mr. G. M. Young : (a) Indian Territorial Forces are already maintained in the United Provinces.

(b) No, Sir.

(c) Provincial and urban units of the Indian Territorial Force are liable to be called out in aid of the civil power. This liability will no doubt be enforced whenever it is practical or economical to do so. But Indian Territorial Force units are only embodied for a small part of the year.

REGIMENTS ADMITTING MUSSALMANS FROM THE UNITED PROVINCES.

52. *Dr. Ziauddin Ahmad : What are the regiments to which the Mussalmans from the United Provinces can be recruited ?

Mr. G. M. Young :

- 3 cavalry regiments, namely, Skinners' Horse, Gardner's Horse and the 3rd Cavalry,
- 2 corps of Sappers and Miners, namely, the K. G. O. Bengal Sappers and Miners, and the Royal Bombay Sappers and Miners,
- 3 battalions of the Bombay Pioneers,
- 22 Mechanical Transport Companies,
- 4 Mule Transport Companies, and
- 2 battalions of the Indian Territorial Force, namely, the 11th|7th Rajput Regiment, and the 11th|9th Jat Regiment.

Kunwar Hajee Ismail Ali Khan : Will Government kindly state the reason why the U. P. Mussalmans are not recruited to regiments to which the Punjab Mussalmans are recruited ?

Mr. G. M. Young : Some regiments are open to U. P. Mussalmans, and others to Punjabi Mussalmans.

Dr. Ziauddin Ahmad : Is there any necessity to reserve particular battalions and particular regiments to persons belonging to particular provinces ?

Mr. G. M. Young : Yes, Sir ; that is part of the system on which the Indian Army is recruited.

Dr. Ziauddin Ahmad : Is the reconsideration of this matter under consideration so that there might be no bickerings amongst ourselves ?

Mr. G. M. Young : No, Sir.

Dr. Ziauddin Ahmad : Is its revision under consideration ?

Mr. G. M. Young : No.

RAILWAY PASSES FOR RETIRED SERVANTS OF THE OUDH AND ROHILKHAND RAILWAY.

53. *Dr. Ziauddin Ahmad : (a) When was the Oudh and Rohilkhand Railway amalgamated with the East Indian Railway ?

(b) Is it not a fact that the employees of the Oudh and Rohilkhand Railway were promised that they would enjoy the privileges which are granted to the servants of the East Indian Railway ?

(c) Is it not a fact that the retired servants of the East Indian Railway are given two free passes each year over the whole line, while the retired servants of the Oudh and Rohilkhand Railway are given only one pass each year, and it is restricted to those portions of the East Indian Railway which once formed part of the Oudh and Rohilkhand Railway ?

(d) Do Government propose to remove this discrepancy ?

Mr. A. A. L. Parsons : (a) In July 1925.

(b) No.

(c) The position is not exactly as detailed in the Honourable Member's question, but it is a fact that the regulations as to the issue of passes to retired servants of the East Indian Railway are somewhat more liberal than those for retired servants of the Oudh and Rohilkhand Railway.

(d) The Agent is being asked to consider whether uniformity in this respect should be secured.

RECRUITMENT OF MUSSALMANS TO THE MILITARY ACCOUNTS DEPARTMENT.

54 *Dr. Ziauddin Ahmad : (a) Is it a fact that Government, in reply to Mr. Farookhi's starred question No. 850 on the 28th March, 1930, in the Legislative Assembly, stated that the number of Mussalmans in the Military Accounts Department is 3 out of 90 in the Deputy Assistant grade, 23 out of 467 in the accountants grade and 316 out of 3,736 in the clerks grade ?

(b) What steps, if any, have Government taken to recruit Mussalmans in this department of military service ?

(c) Are Government aware of the fact that certain Mussalmans qualified themselves in the competitive examination and yet they were not given any post ?

(d) Is it not a fact that a large number of Mussalmans have passed the subordinate accounts service examination, and they have not yet been selected ? What is the number of such qualified persons ?

The Honourable Sir George Schuster : (a) The answer is in the affirmative.

(b) The Honourable Member is referred to clause (b) of the answer given in this House on the 22nd March, 1929, to starred question No. 1182 asked by Mr. Muhammad Ismail Khan.

(c) The total number of Mussalmans, who qualified at the examination for admission to the clerical service of the Military Accounts Department since November 1929 is 33, namely,

1929	..	..	..	..	..	8
1930	..	..	..	..	..	25

Individuals who qualified at the examination held in 1929 have all been appointed. Of those who passed in 1930, 8 have been appointed and one did not reply to the offer of appointment made, leaving 16 on the waiting list.

(d) The total number of Mussalmans, who have passed the S. A. S. examination and have not yet been promoted to the accountants' grade is 50. Promotion to the accountants' grade is made by seniority, subject to fitness.

RECRUITMENT OF MUSSALMANS TO THE MILITARY ACCOUNTS DEPARTMENT.

55. *Dr. Ziauddin Ahmad : (a) Will Government be pleased to state the number of probationer accountants appointed direct in the Military Accounts Department from 1920 till April, 1931? How many of them were Mussalmans ?

(b) Why were the Mussalmans not appointed at the time when the appointment was made by selection only ?

The Honourable Sir George Schuster : (a) If the Honourable Member refers to the direct appointment of non-Government servants as probationary accountants, the answer is "None". If, however, he refers to the appointments as probationary accountants of certain individuals who were already in Government service, 46 such appointments were made during the period from 1920 to April, 1931. Of this number 4 were Mussalmans. I may add that of the 46 appointments 44 were made up to the end of 1922 and only 2 have been made since then.

(b) Does not arise.

RELEASE OF POLITICAL PRISONERS.

56. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state how many non-violent satyagrahi political prisoners were confined in jails in India during the satyagraha movement from its beginning to the time of the 'Mahtama Gandhi and Lord Irwin' truce and how many violent political prisoners were so detained during the period ?

(b) Have all the non-violent satyagrahi political prisoners been released under the aforesaid settlement or are the cases of some of them still under consideration of the Government ?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state the number of such prisoners and the reasons for the delay ?

The Honourable Sir James Crerar : (a) The total number of prisoners sentenced to imprisonment in connection with the Civil Disobedience movement up to the end of February, 1931 was 60,507. This figure includes also those whose offences involved violence, the exact number of which is not known.

(b) So far as the Government of India are aware, all prisoners whose cases fell within the terms of the settlement of the 5th of March, 1931, have been released.

(c) Does not arise.

Mr. Lalchand Navalrai : Has the Honourable Member read in the papers that there are several prisoners who come under the truce and have not yet been released ?

The Honourable Sir James Crerar : I have seen statements to that effect.

Mr. Lalchand Navalrai : I understood the Honourable Member to say that he has seen statements in the public Press to that effect. If that is so, will the Honourable Member kindly say what is the opinion of the Government with regard to those men ?

The Honourable Sir James Crerar : Any person feeling aggrieved in the matter is perfectly entitled to make a representation to the Local Government concerned.

Mr. Lalchand Navalrai : Am I to understand then that the Government have on their part completely fulfilled the truce terms with regard to those prisoners ?

The Honourable Sir James Crerar : Yes, Sir ; that is contained in my reply to the original question.

RULES FOR THE CLASSIFICATION OF PRISONERS.

57. ***Mr. Lalchand Navalrai :** (a) Are Government aware that the new jail rules framed by Government fixing three classes of prisoners have caused public dissatisfaction with the classification of the prisoners and the working of the rules ?

(b) Is the classification of prisoners made by the magistrates under fixed rules by taking legal evidence, or at their own discretion only ?

(c) Is such decision of the magistrates judicial and subject to the interference by the appellate and revisional courts ?

The Honourable Sir James Crerar : (a) No.

(b) and (c). The Honourable Member's attention is invited to the communiqué issued on the 19th February, 1930, which states the classifying authorities. No rules have been laid down for taking evidence, nor is any appeal provided for against the recommendation of a magistrate, but original as well as appellate courts have the power of making recommendations.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state whether the Government are going to introduce any legislation with regard to it to the effect that the opinions in regard to these classifications should be given by a judicial authority ?

The Honourable Sir James Crerar : I would refer the Honourable Member to the communiqué on the subject which I have quoted.

Mr. Lalchand Navalrai : Is that provided in that communiqué ? I have not read it. (Laughter.)

The Honourable Sir James Crerar : Then I must ask the Honourable Member to read it.

REVISION AND IMPROVEMENT OF JAIL RULES.

58. ***Mr. Lalchand Navalrai :** Do Government propose, in virtue of the experience gained in the working of the jail rules and receiving particular complaints made hitherto in various jails regarding them, to appoint

a committee or to take necessary steps to revise and improve upon the rules ?

The Honourable Sir James Crerar : The reply is in the negative. The power to make rules for the administration of jails is vested in Local Governments, subject to the control of the Governor General in Council, by section 60 of the Prisons Act. Several Local Governments have, in recent years, appointed provincial committees to investigate jail administration and amended their rules, where necessary, and all Local Governments are fully alive to the importance of sound jail administration.

Mr. Lalchand Navalrai : Have the Government of India revised these rules or even looked into them and approved of them ?

The Honourable Sir James Crerar : Ordinarily the rules are made by Local Governments on their own authority but subject to general control. There have been many occasions for me to refer to the rules made by the Local Governments, and so far as I can see, they are satisfactory.

DEFECTIVE JAIL LATRINES AND INSPECTION OF JAILS BY VISITORS.

59. ***Mr. Lalchand Navalrai :** (a) Is it a fact that prisoners are seated together in a row while answering calls of nature—exposed to each other—in some of the jails and lock-ups in India ?

(b) If the answer to part (a) be in the affirmative, are Government prepared to issue a circular stopping such an inhuman practice ?

(c) Will Government be pleased to state if the visitors to jails are authorised to visit jails individually, to receive complaints and make suggestions ?

(d) Are the visitors when inspecting jails accompanied by the superintendents and jailors ?

(e) Do they receive complaints from the prisoners in the presence of the superintendents and jailors in charge of the prisons ?

(f) If the answer to part (e) be in the affirmative, do Government propose to consider the desirability of receiving complaints by the visitors in the absence of the officers of the jail ?

The Honourable Sir James Crerar : The Honourable Member is doubtless aware that " Prisons " under the Devolution Rules is a provincial subject, and that the matters on which he asks for information are primarily the concern of Local Governments.

As regards part (a) of the question, I have no such information, but I am prepared to enquire if the Honourable Member will give me more specific particulars of the jail or jails in which this practice is alleged to exist.

Part (b) of the question does not arise.

As regards parts (c), (d) and (e), I would refer the Honourable Member to the sections of the various Provincial Jail Manuals dealing with visitors of prisons. My information shows that the reply to part (c) of the question is in the affirmative, that, as regards parts (d) and (e), visitors are, in their own interests, attended during their visits by an

escort of warders and, in some cases, by a responsible jail official as well ; and that private communication between a visitor and prisoner is ordinarily allowed or arranged on request.

Part (f) of the question does not arise.

ABOLITION OF THE PUNISHMENT OF WHIPPING.

60. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if the punishment of whipping exists at present in any civilised country other than India ?

(b) Are Government prepared to consider the abolition of such a brutal punishment in India ?

The Honourable Sir James Crerar : (a) Yes.

(b) I would refer the Honourable Member to the reply I gave in this House to question No. 471 on the 11th September, 1928, on the same subject.

RETRENCHMENT OF HIGH OFFICIALS.

61. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if the Retrenchment Committee appointed by the Government of India in view of the present financial stringency is authorized to investigate and suggest measures for retrenchment of higher officers in India such as are appointed by the Secretary of State for India or whether its scope is limited to only subordinate and menial establishment ?

(b) If the answer to part (a) be in the negative, will Government be pleased to state what steps have been taken to make the necessary retrenchment in the strength and pay of such high officials ?

The Honourable Sir George Schuster : (a) The general terms of reference to the various Sub-Committees permit them to advise upon all possible economies within the field of their enquiry.

(b) Does not arise.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say whether the retrenchment of higher officers in India, I mean, those appointed by the Secretary of State, comes within the purview of the Committee that has been appointed to make retrenchment ?

The Honourable Sir George Schuster : That question certainly comes within the field of enquiry on which each of the Sub-Committees will advise according to their terms of reference.

RETRENCHMENT ON STATE RAILWAYS.

62. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state whether the State Railways in India have undertaken retrenchment work ? If so, do they begin from the top to the bottom or touch only the subordinate and menial establishment ?

(b) Is it a fact that the North Western Railway, Karachi Division, have reduced the number and pay of the subordinate and menial staff only not touching the higher officials who draw heavy salaries ?

(c) Will Government be pleased to state how much savings has the Karachi Division of the North Western Railway effected by the retrenchment made by them hitherto ?

(d) Will Government be pleased to place on the table the list of the reductions made or proposed to be made by the Karachi Division of the North Western Railway ?

(e) Will Government be pleased to state how many officers work in the Divisional office of the North Western Railway, Karachi and how much do they draw ?

(f) How many of them are proposed to be done away with or how much reduction in their salaries is proposed by the Railway Department ?

(g) Will Government be pleased to state how many officers, on what salaries and with what designations were working for the same area, which is now managed by the Karachi Division office, before the present Division office was established in Karachi ?

Mr. A. A. L. Parsons : (a) The answer to the first part of the question is in the affirmative. With regard to the second part, State Railways have reduced a number of gazetted posts and discharged several temporary officers in addition to the retrenchment made in the subordinate and menial establishment.

(b) No.

(c) The savings in wages effected by staff retrenchment on the Karachi Division are estimated at present at a little less than Rs. 3 lakhs per annum.

(d) A statement of the reductions made by the Karachi Division is laid on the table. As regards further reductions, the position is to be examined in October next.

(e) A list of officers now working in the office of the Divisional Superintendent, Karachi, together with particulars regarding the rates of pay drawn by them is laid on the table. In addition there are 6 Sub-Divisional Officers employed on that Division who have separate offices of their own.

(f) No further reduction in the strength of officers working in the office of Divisional Superintendent, Karachi, is contemplated at present.

(g) A list of officers who were working for the same area which is now managed by the Karachi Divisional office, before the present Divisional office was established in Karachi, together with the scales of pay which they were in receipt of, is laid on the table.

List of posts brought under reduction on the Karachi Division.

1. Officers	2 (including one held in abeyance).	
2. Subordinates on Scales of pay rising to Rs. 100 and over	..	1 discharged. 8 demoted.
3. Subordinates rising to Rs. 30 and over but less than Rs. 100		179 discharged. 74 demoted.
4. Employees on pay rising to less than Rs. 30	.. ..	776 discharged. 13 demoted.

List of officers working in the office of the Divisional Superintendent, Karachi, together with particulars regarding their scales of pay.

<i>Designation.</i>				<i>Scale of pay.</i>
				<i>Rs.</i>
1	Divisional Superintendent	..	..	2,150 fixed.
3	Divisional Engineers	..	..	625—50—1,375
1	Divisional Personnel Officer	..	..	550—50—1,300
1	Assistant Personnel Officer	..	..	300—50—900
2	Divisional Transportation Officers and Divisional Commercial Officers	..	..	550—50—1,375
3	Assistant Transportation Officers and Assistant Commercial Officers	..	..	300—50—900
				or
				350—30—800
1	Divisional Rolling Stock Officer	..	..	625—50—975
2	Assistant Rolling Stock Officers	375—50—975
1	Assistant Signal Engineer	350—30—800

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NOTE.—Officers of Non-Asiatic domicile draw overseas pay in addition to their basic pay.

List of officers who were working on Karachi and Sukkur Districts prior to Divisional Engineering—

				<i>Rs.</i>
2	Executive Engineers, Sukkur and Karachi	..	..	625—50—1,375
6	Sub-Divisional Officers (3 Sukkur and 3 Karachi)—			
3	.. .. .	..	..	375—50—975
3	.. .. .	..	..	250—20—750
<i>Traffic—</i>				
3	District Traffic Superintendents	..	..	550—50—1,300
5	Assistant Traffic Superintendents	..	..	300—50—900
				250—20—750
<i>Loco.—</i>				
2	District Locomotive Officers	..	..	625—50—1,375
4	Assistant Locomotive Officers	375—50—975
<i>Carriage and Wagon—</i>				
2	District Carriage Superintendents	625—50—1,375

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NOTE.—Officers of Non-Asiatic domicile drew overseas pay in addition to their basic pay on the above scales of pay.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if up to this time, as a matter of fact, the higher officers' pays and allowances have actually been retrenched on the Railway ?

Mr. A. A. L. Parsons : There have been reductions with regard to some allowances. But neither with regard to higher officers nor with regard to subordinates have there been changes in the rates of pay.

SELECTION AND PAY OF CONTROL SYSTEM OFFICERS ON THE NORTH WESTERN RAILWAY.

63. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state what policy they adopted when making selections from the railway staff to the control system ?

(b) Is it a fact that only Indian Station Masters and Assistant Station Masters were selected for the control posts on account of their capacity and experience for the business ?

(c) Is it a fact that lately guards were transferred to the control system ?

(d) Is it a fact that the guards who were so transferred were allowed to draw their pay and also average allowances which they were drawing when they were working as guards, with the result that they drew more pay than the control officers who were drawn from the station staff much earlier than these guards ?

(e) Are Government aware that this procedure has created dissatisfaction amongst the original control system officers and has also raised the question of seniority and juniority amongst them ?

(f) Do Government propose to recognise the seniority of these guards notwithstanding their subsequent entry into the control system only because they are allowed to draw allowances allowable to working guards ?

(g) If the answer to part (f) be in the affirmative, what reasons have Government to adopt such an extraordinary course ?

(h) Will Government be pleased to state how many Controllers, Deputy Controllers and Assistant Controllers are there in each of the Control Divisions on the North Western Railway ? How many of them are Europeans, Eurasians, Goans, Indians and Sindhis, respectively ?

Mr. A. A. L. Parsons : (a) Selections are made from among a list of candidates who have passed a course of training in control duties. The following are the main categories from which employees are selected for training in control work :

Station Masters ; Assistant Station Masters ; and guards who are qualified to be Assistant Station Masters by passing the prescribed test.

(b) No.

(c) The practice of transferring guards qualified in control duties to posts in the Control Branch has been in force ever since the introduction of the control system on the North Western Railway.

(d) Guards when appointed to officiate in such posts draw their substantive pay *plus* 75 per cent. of pay representing average mileage, subject to the condition that the total emoluments thus drawn are not less than the minimum pay or more than the maximum pay of the officiating post. The pay of guards transferred permanently to the Control Branch is regulated by Fundamental Rule 22. There are instances where guards

appointed to the Control Branch draw higher pay than members of the station staff appointed at an earlier date to this Branch in the same grade

(e) and (f). Government do not consider that a grievance exists as the seniority of employees transferred to Control Branch is determined by the dates of their confirmation in the respective grades of that Branch and not with reference to the pay drawn on transfer.

(g) Does not arise.

(h) A statement giving the information is being sent to the Honourable Member.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if it is not a fact that when this control system was first introduced not a single guard was taken on that control system ?

Mr. A. A. L. Parsons : The information given to me by the Railway Administration is that the practice of transferring guards to the control system has been in force ever since the system came into force.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to lay on the table a list of the names of those persons that had been taken on the control system ?

Mr. A. A. L. Parsons : No. If the Honourable Member will give me any definite information to the effect that the statement I have made is false, I will take the necessary action.

Mr. Lalchand Navalrai : Does not the Honourable Member think that the number of those guards that have been taken in vacancies must be very few and the information must be given ?

Mr. A. A. L. Parsons : No.

Mr. Lalchand Navalrai : I should rise to a point of order. The question that I am putting is a very simple one but it is not answered. The point is that when the control system was first started not a single guard was taken on that control system. Subsequently, some Anglo-Indians have been gradually taken, and there is a great cry in the country with regard to that.

Mr. President : The Honourable Member should restrict himself to the point of order which he wishes to raise.

Mr. Lalchand Navalrai : I am giving my reasons for the point of order. The point of order is this. I request the President to get me an answer to this question.

Mr. President : The Honourable Member, though new now, has served on the Assembly before.....

Mr. Lalchand Navalrai : I have.

Mr. President : and he knows that there is no obligation upon Government Members to answer any questions. The remedy which the non-official Benches have under the Rules and Standing Orders against any Government Member declining to answer questions which are legitimate is a vote of censure in the form of an adjournment motion.

Mr. Lalchand Navalrai : I only wanted to avoid that censure on the Honourable Member. (Laughter.)

ALLEGED INFLUENCE OF MAGISTRATES BY PUBLIC PROSECUTORS.

64. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state if it is a fact that the public prosecutors in India or in any part of British India bring messages from the District Magistrates and the District Superintendents of Police and whisper in the ears of Magistrates that this or that is their order and that they should or should not release particular accused on bail or generally to abide by the orders so conveyed ?

(b) Has the attention of Government been drawn to the speech of Syed Mia-Miran Mahomed Shah, M.L.C., Bombay, published at page 779 of the Bombay Legislative Council Debates dated the 11th March, 1931, complaining of the aforesaid practice ?

(c) If the answer to part (a) be in the affirmative, what steps do Government propose to take to eradicate such a pernicious practice ?

(d) If the answer to part (a) be in the negative, do Government propose to appoint a committee to inquire into such a serious allegation ?

The Honourable Sir James Crerar : (a) I am not aware of the existence of any such practice.

(b) I have read the speech and have also read the reply of Sir Ernest Hotson that none of the many officers who had served in Sind had any knowledge of the state of things described.

(c) and (d). Do not arise.

Mr. Lalchand Navalrai : Will the Honourable Member take it from me that there is a system like this—Public Prosecutors in India convey messages to the Magistrates and go into their chambers and talk about the cases. Will the Honourable Member make inquiries, if the Honourable Member does not know ?

The Honourable Sir James Crerar : I have no doubt that that is the Honourable Member's impression, but I think he is not justified in holding that impression. I do not think that that constitutes a *prima facie* basis for a formal inquiry.

Mr. K. Ahmed : I think there is a section probably 528 still in the Criminal Procedure Code as it was amended in 1923 for its remedy. There is a section also, that if it is a complaint of that description against a Magistrate of the first class or a Sub-Divisional Magistrate, the District Magistrate under section 528, Criminal Procedure Code.....

Mr. President : Does the Honourable Member give a reply to the supplementary question ?

Mr. K. Ahmed : I am putting a question. Are the Government aware that sections 526 and 528 of the Criminal Procedure Code will remove the grievances raised by the questioner ?

The Honourable Sir James Crerar : I think the Honourable Member is perfectly correct in suggesting that, if such a practice as the questioner suggests is found to be in existence, there are remedies provided by law.

Mr. Lalchand Navalrai : What I am stating is not my impression. It is my experience and that of the M. L. C. from Bombay whose name I have mentioned. Will the Honourable Member make inquiries into the case ?

The Honourable Sir James Crerar : I think that there are already sufficient remedies provided by law for such a practice, if it is found to exist in any particular case.

Mr. Lalchand Navalrai : Does the Honourable Member say that putting questions is not one of the remedies.

The Honourable Sir James Crerar : I think the other remedies are more proper and convenient.

Mr. President : These are questions of opinion.

Mr. Lalchand Navalrai : I want to know whether the Honourable Member is going to get me the information or not. The Honourable Member had denied the facts I have mentioned. I am giving my personal experience and that of an M. L. C. of Bombay. Is the Honourable Member going to make inquiries into this matter ?

The Honourable Sir James Crerar : In view of the answer which I have already given, I do not think that there is a sufficient case for a formal inquiry of a general character.

Mr. K. Ahmed : In view of the fact that it can be remedied if an application for transfer is made either by his learned colleague, Syed Mia-Miran Mahomed Shah, M.L.C., or by himself, stating that the illegality may be done away with and asking that the file be transferred to some other Magistrate, will Government be pleased to point out that there is also a section in the Criminal Procedure code to enable that to be done ?

Mr. C. B. Elliott : Is it in order for an Honourable Member to make a general aspersion upon the Public Prosecutors in India, of this sweeping nature ?

The Honourable Sir James Crerar : I do not think any such charge is in any way justified.

SEPARATION OF THE EXECUTIVE FROM JUDICIAL TRIBUNALS.

65. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a declared policy of Government that the executive in India should be separated from the judicial tribunals ?

(b) If so, when do Government propose to take the initiative in the matter ?

(c) Do Government know that the police try to influence the Magistracy by privately carrying to them messages purporting to have been issued from the superior officers ?

(d) Have Government's attention been invited to the remarks made by Syed Mia-Miran Mahomed Shah, M.L.C., Bombay, published at page 779 of the Bombay Legislative Council Debates, dated the 11th March, 1931 ?

(e) Do Government propose to adopt a policy generally to appoint only experienced and permanent officials to exercise judicial powers in India ?

The Honourable Sir James Crerar : (a) and (b). The Honourable Member is referred to my reply to Rai Bahadur Sukhraj Rai's starred question No. 770, on the 2nd March, 1931, and to the reply given by Mr. Haig to a similar question in the Council of State on the 11th September, 1928.

(c) No.

(d) Yes.

(e) This is a matter primarily for Local Governments, and I have no reason to suppose that they are not alive to the considerations to which the Honourable Member refers.

SUBORDINATION OF RESIDENT MAGISTRATES TO JUDICIAL HEADS INSTEAD OF TO THE EXECUTIVE DEPARTMENT.

• 66. ***Mr. Lalchand Navalrai :** (a) Do Government propose to place the resident magistrates wherever they exist in India subordinate to the judicial heads as the subordinate judges are at present, instead of being appointed and dismissed by the executive department ?

(b) Will Government be pleased to state if such a course will entail any economical or any other obstacle ? If so, what ?

The Honourable Sir James Crerar : The appointment and dismissal of Resident Magistrates is a normal function of the Executive Government and no change in this respect is contemplated

EXTRA POWERS OF THE COMMISSIONER IN SIND.

67. ***Mr. Lalchand Navalrai :** (a) Are Government aware that the Commissioner in Sind holds many extra powers other than those possessed by the Commissioners of the other Divisions in the Bombay Presidency ?

(b) If so, which of the powers have been so conferred on him by the India Government or under the sanction obtained by the Bombay Government from the Government of India ?

(c) Is it a fact that for a long time the public of Sind in general, and provincial political conferences held in Sind in particular, have protested against the said officer continuing to hold such powers and have complained that they are prejudicial to the interest of the people ?

(d) What steps do Government propose to take in the matter ?

The Honourable Sir James Crerar : The information is being obtained and will be supplied to the Honourable Member in due course.

LENGTH OF SERVICE IN BOMBAY OF THE PRESENT COMMISSIONER OF INCOME-TAX, BOMBAY PRESIDENCY.

68. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state since how long the present Commissioner of Income-tax of Bombay Presidency has remained in the present post and how long in other posts of the Income-tax Department in Bombay ?

(b) Is there any rule or practice fixing a period for which Income-tax Commissioners and their assistants can remain in their posts in one place ?

The Honourable Sir George Schuster : (a), (1) Commissioner of Income-tax since the 14th October, 1927.

(2) Assistant Commissioner of Income-tax, Bombay City, from the 1st April, 1922 to the 13th October, 1927, except for periods during which he officiated as Commissioner of Income-tax.

(3) Deputy Collector of Income-tax, Collector or 1st Collector of Income-tax under the Bombay Government from December, 1909, to the 31st March, 1922, except for the period, 31st March, 1914, to 21st April, 1919.

(b) The reply is in the negative.

REPORTS OF INCOME-TAX OFFICERS ON APPEALS MADE AGAINST THEIR ORDERS.

69. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state if it is a fact that the Commissioners of Income-tax and their assistants call for a report from Income-tax Officers before deciding appeals filed before them against the orders of Income-tax officers ?

(b) Is it a fact that the Assistant Commissioner of Income-tax in Sind calls for such reports ?

(c) If so, is the report open to the assessee and are they given an opportunity to have their say on it ?

(d) Do Government propose to issue instructions that the assessee be allowed to be heard with regard to such reports if sent for ?

The Honourable Sir George Schuster : (a) Under instructions issued by the Central Board of Revenue in 1927, appellate officers ordinarily refrain from asking for reports or remarks when calling for the records of cases under appeal. Such reports are called for in rare cases when specific points are raised in the appeal on which the appellate officer requires enlightenment.

(b) It is not the practice of the Assistant Commissioner of Income-tax in Sind to call for such reports.

(c) and (d). These parts of the question do not arise ; but it may be mentioned that in 1927 the Central Board of Revenue issued general instructions to the effect that, when an appellate officer conducts a further enquiry himself or directs the Income-tax Officer to make further enquiry and report the result, the results of such enquiry should be brought on record formally, and that the appellant should invariably be given an opportunity of rebutting any such fresh evidence or any inferences therefrom.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state whether in those rare cases those opinions are shown to the assessee or are they kept secret ?

The Honourable Sir George Schuster : I am afraid I must ask for notice. The Honourable Member knows much more about income-tax procedure than I do.

Mr. Lalchand Navalrai : Not more than the Honourable Member himself !

ALLEGED CONFIDENTIAL AND PRIVATE INSTRUCTIONS GIVEN TO INCOME TAX OFFICERS.

70. *Mr. Lalchand Navalrai : (a) Is it a fact that the Income-tax Commissioners and their assistants give confidential and private instructions to Income-tax Officers for enhancement of income-tax or fixing a

particular manner the income of assesseees when their cases are either pending before the Income-tax Officers or when the Income-tax Officers consider the same under section 27 of the Income-tax Act ?

(b) If so, under what law or rule is this practice followed ?

The Honourable Sir George Schuster : (a) No.

(b) Does not arise.

PAY OF ASSISTANT COMMISSIONERS OF INCOME-TAX IN BOMBAY AND SIND.

71. ***Mr. Lalchand Navalrai :** (a) What is the pay of the Assistant Commissioner of Income-tax in Bombay and Sind, respectively ?

(b) Do the incumbents belong to the cadre of the Deputy Collectors ?

(c) Will Government be pleased to state how much does a Senior Deputy Collector draw as his salary in the Bombay Presidency including Sind ?

The Honourable Sir George Schuster : (a) The scale of pay of Assistant Commissioners of Income-tax in Bombay and Sind is Rs. 1,000—100—1,500. Special pay of Rs. 250 is attached to the two posts of Assistant Commissioners of Income-tax, Bombay City.

(b) Three of the Assistant Commissioners were taken from the cadre of Deputy Collectors.

(c) The scale of pay of selection grade Deputy Collectors in the Bombay Presidency including Sind is Rs. 1,000—100—1,200.

PROSECUTIONS UNDER THE CHILD MARRIAGE RESTRAINT ACT

72. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state how many prosecutions under the Sarda Act are at present pending in courts of all the Presidencies in India, stating their number in each Presidency ?

(b) Are Government aware that there is a defiance against the Sarda Act in some parts of India ?

(c) Are Government prepared to see that the Act is not infringed ?

(d) What measures have Government taken, or propose to take, to prevent breaches of this law ?

The Honourable Sir James Crerar : (a) I have no figures available regarding pending cases. Up till February, 1931, the number of prosecutions under the Act was 1 in Madras, 3 in Bombay, 4 in Bengal, 12 in the United Provinces, 1 in the Punjab, 3 in Bihar and Orissa, 1 in the Central Provinces, 3 in Delhi, and 1 in Ajmer-Merwara.

(b), (c) and (d). Government have no reason to suppose that action has not been taken on any complaint filed in accordance with the provisions of the Act. The prevention of child marriages, as distinct from their penalization as provided in the Act, would, as the Honourable Member will recognize, be extremely difficult to secure effectively by legislation.

Mr. Lalchand Navalrai : Does the Honourable Member know that in those cases of prosecution that have been launched, nominal sentences of a few rupees have been imposed ?

The Honourable Sir James Crerar : No. I do not think that that is so in the great majority of cases.

FRONTIER REGULATIONS IN FORCE IN THE NORTH WEST FRONTIER PROVINCE AND SIND AND DECISION OF CASES BY JIRGAS.

73. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state which Frontier Regulations are in force at present in the North West Frontier Province and Sind respectively ?

(b) Are Government aware that the system of deciding cases by Jirga has degenerated and the Elders generally are prone to influences ?

(c) What methods are Government prepared to adopt in order to restore purity and confidence in these Jirgas ?

Mr. E. B. Howell : (a) A complete list of the Regulations in force in the North West Frontier Province and Sind, respectively, is being forwarded to the Honourable Member.

(b) and (c). As regards the North West Frontier Province, Government are not prepared to admit the implications arising from the form in which the Honourable Member has put his question, but as he is probably aware, they have recently appointed a committee comprised almost exclusively of non-officials to enquire into the content and working of some of these Regulations in the settled districts of the North West Frontier Province. The Committee have completed their enquiry and submitted their report which is now under the consideration of the Government of India.

As regards Sind the personnel of each Jirga is decided by the District Magistrate who makes a careful selection, and objections raised by either party are duly considered. The Elders are chosen from different tribes having few interests in common and an experienced official presides. The Jirga system is very popular among the Baluch tribes and other tribes following Baluch custom, and faith in the system is proved by the fact that the District Magistrate receives many applications for transfer of cases from the ordinary law courts to Jirga. There is nothing to indicate deterioration in the system and the allegation that Elders are generally prone to improper influences is entirely unfounded.

Mr. Gaya Prasad Singh : May I know when the Report of the Frontier Regulations Committee is likely to be published ?

Mr. E. B. Howell : I cannot say, Sir.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say if that Committee which had been appointed also inquired into the system prevailing in Sind and as regards the influences that have been referred to in the question ? Has that Committee gone into that ?

Mr. E. B. Howell : The inquiry of the Committee was confined to the settled districts of the North West Frontier Province.

Mr. Lalchand Navalrai : May I understand, then, that an inquiry is going to be made with regard to Sind ?

Mr. E. B. Howell : No case for any such inquiry has so far been disclosed.

Mr. Lalchand Navalrai : Has the Honourable Member got any papers from Sind with regard to this question, and will he be pleased to lay those papers on the table ?

Mr. E. B. Howell : The only papers which I have, or rather the substance of them, are those which have just been read out in answer to the Honourable Member's question.

Mr. Lalchand Navalrai : How is the Honourable Member then prepared to say that what is stated in the question with regard to Sind is unfounded ?

Mr. E. B. Howell : The Commissioner in Sind says so, Sir.

Mr. Lalchand Navalrai : Is that sufficient for the Honourable Member to justify him to take it that that is so ?

Mr. E. B. Howell : I take it, Sir, that he is in a position to know and that he has told the truth.

Mr. Lalchand Navalrai : Will the Honourable Member then make fuller inquiries ? Will the Honourable Member make inquiries not only from the Commissioner but through a Committee or through some public men ?

Perhaps the Honourable Member has got no reply to make ?

(There was no answer).

EXEMPTION OF MEMBERS OF THE LEGISLATURE FROM THE ARMS ACT RULES.

74. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state whether the ex-Members of the Indian Legislature had exemption to possess arms under the Indian Arms Rules before they were amended in 1924 ?

(b) Is it a fact that the Members and ex-Members of the Provincial Legislative Councils were also similarly exempted ?

(c) Will Government be pleased to state the reasons for removing the exemption in their case by the amended rules in 1924 ?

The Honourable Sir James Crerar : (a), (b) and (c). Members and ex-Members of the Indian Legislature and of the Provincial Legislative Councils were up to 1920, exempted from the operation of certain provisions of the Arms Act. This exemption was amongst those withdrawn in January 1920, when the Arms Rules were revised, the reasons being stated in Home Department Resolution No. 2125-C., dated the 21st March, 1919, a copy of which has been placed in the Library. In 1923, in pursuance of a recommendation of the Arms Rules Committee, the exemption was restored to Members of the Indian Legislature for the period of their office, and this period was subsequently extended to six months after their terms of office.

PAY OF THE AGENT AND SUPERIOR OFFICERS OF THE ASSAM BENGAL RAILWAY.

75. *Mr. Muhammad Anwar-ul-Azim : Will Government please state, if the Agent and other superior officers of the Assam Bengal Railway have

received any increment of pay in the financial year 1931-32 ? Is it a fact that there have been recurring losses in the said Company ?

Mr. A. A. L. Parsons : Normal increments according to existing sanctioned scales of pay have been granted to officers of the Assam Bengal Railway on incremental scales of pay.

The only post in which the rate of pay has been revised during the current financial year is that of the Agent, where an incremental pay of Rs. 3,000—250—3,500 has replaced the fixed pay of Rs. 3,000 *plus* £13-6-8 sterling overseas' pay.

From 1925-26 to 1929-30, the latest year for which figures are at present available, the Company has earned surplus profits.

APPOINTMENT OF MUSLIMS ON THE STATION STAFF AT ROORKEE.

76. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state, if they have received any complaint with regard to the station staff at Roorkee Railway Station ? Are Government aware that it is a great place for the Muslims on account of the great shrine of the Muslim divines therein ? Will Government please state if they have any objection with regard to the appointment of some Muslims on the station staff at Roorkee, so that they might help the Muslim pilgrims all the year round ?

Mr. A. A. L. Parsons : The reply to the first part of the question is in the negative. In regard to the latter part, Government understand that there is a shrine some little distance from Roorkee Station which is visited by Muslims, but they have no reason to believe that the present staff do not afford adequate assistance to passengers of all communities. I am, however, sending a copy of the Honourable Member's question and this answer to the Agent of the East Indian Railway for such action as he may consider necessary.

Mr. Gaya Prasad Singh : Sir, do Government propose to extend similar facilities to Hindus by providing Hindu staff at Hindu places of pilgrimage ?

Mr. A. A. L. Parsons : I am not aware, Sir, that I have promised that any particular action will be taken.

Mr. Gaya Prasad Singh : Very good.

ABOLITION OF THE POST OF FEMALE ATTENDANT FOR THIRD CLASS PASSENGERS AT Dacca RAILWAY STATION.

77. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state whether it is a fact that the post of the female attendant at the Dacca Railway Station for third class passengers has been abolished ? If so, why ?

Mr. A. A. L. Parsons : The reply to the first part of the question is in the affirmative. As regards the second part, the posts of female attendants have come under retrenchment in view of the present financial stringency.

LACK OF FACILITIES FOR PASSENGERS ON CERTAIN PLATFORMS AT THE CHITTAGONG RAILWAY STATION.

78. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state what facilities, by way of shelter from rain and sun, are afforded at the Chittagong Railway Station, to passengers who board the trains for Hathazari, Nazirhat and Dohazari? Is it a fact that there is no water closet in third class waiting rooms at Chittagong Railway Station? Is it a fact that the third class Booking Office is far away from the platform at the Chittagong Railway Station? Do Government propose to see that these tickets are available on the main platform during rains?

Mr. A. A. L. Parsons : Passengers travelling from Chittagong can use the waiting rooms and waiting hall accommodation provided at the station for passengers generally, but similar accommodation has not been provided on the branch line platform from which trains leave for Hathazari, Nazirhat and Dohazari stations.

No water closet has been provided in the third class waiting hall, but there is a latrine about 58 yards away from the entrance to the hall.

The third class Booking Office is situated in the third class waiting hall, and the distance from the waiting hall to the foot of the overbridge on the branch line platform is 112 yards.

I am bringing the Honourable Member's question to the notice of the Agent, A. B. Railway, for such action as may be considered feasible to remove any inconvenience that passengers may be experiencing.

EXTENSION OF THE ASSAM BENGAL RAILWAY TO THE BORDER OF BURMA.

79. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state what is the position of the Assam Bengal Railway with regard to its extension up to the border of Burma? When is that likely to be completed, and when is that to be taken up?

Mr. A. A. L. Parsons : I presume that the Honourable Member is referring to the Chittagong Dohazari Branch, which follows the alignment which an Indo-Burma-Railway connection might conceivably take. This was opened for traffic on the 10th June, 1931.

WORK AT THE CHITTAGONG JETTIES.

80. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state if it is a fact that the Honourable Member in charge of Railways promised to the Assembly to examine whether it would be economical to work the "handling" work at the Chittagong jetties by the Assam Bengal Railway? If so, when, and what has been the result of that promise?

Mr. A. A. L. Parsons : I presume the Honourable Member is referring to the reply the Honourable the Railway Member gave to his question No. 179 on the 29th January, 1931. If he will read that, reply again, he will see that the Honourable the Railway Member promised to ask the Agent of the Assam Bengal Railway to look into the question whether any more economical arrangement was feasible. The result of the reference made to the Agent was communicated to the Honourable Member on the 2nd April, 1931.

Dr. Ziauddin Ahmad : I thought, Sir, that it was the Government of India which was going to inquire into this affair, as was promised at the Simla Session of the Assembly in 1930 ?

Mr. A. A. L. Parsons : The question, Sir, relates to the working of jetties at Chittagong by the Assam Bengal Railway, and I am not quite sure that for the purposes of that question, this is really relevant.

ALLOWANCES OF THE FRONTIER REGULATION COMMITTEE AND CERTAIN OTHER COMMITTEES.

81. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state what is the difference between the Frontier Regulations Committee that is sitting in Peshawar, and the Cinema Committee and the Banking Enquiry Committee, which finished their labour some years ago in the matter of travelling and halting allowances ?

Mr. E. B. Howell : The information required regarding the travelling and halting allowances granted to the three committees referred to by the Honourable Member is given in the form of a comparative statement which is placed on the table.

Statement showing travelling and halting allowances granted to the Frontier Regulations Enquiry Committee, Indian Cinema Committee and Banking Enquiry Committee.

Name of Committee. 1	Travelling allowance or equivalent concession granted. 2	Halting allowance or equivalent concession granted. 3
Frontier Regulations Enquiry Committee.	<p><i>Official members (including the President and Secretary) :</i> have been granted travelling allowance admissible under the Government of India Supplementary Rules.</p> <p><i>Non-official members :</i> have been allowed travelling allowance as far first class officers on tour for journeys by rail and annas 12 per mile for journeys by road (journeys being other than those within 5-mile radius in places of halt of the Committee).</p>	<p><i>President :</i> has been granted a daily allowance of Rs. 10 a day at headquarters or any other place of halt.</p> <p><i>Secretary :</i> has been granted daily allowance admissible under the rules at headquarters or any other place of halt.</p> <p><i>Non-official Members :</i> No daily allowance has been sanctioned. But each member has been granted a subsistence allowance of Rs. 1,200 per mensem and, in addition a tour allowance of Rs. 300 per mensem, provided that his ordinary residence is not within 10-mile radius from the headquarters or the place of halt of the Committee in which case conveyance allowance at rate not exceeding Rs. 100 per mensem will be granted. No other remuneration was granted to any member.</p>



Name of Committee. 1	Travelling allowance or equivalent concession granted. 2	Halting allowance or equivalent concession granted. 3
Indian Cinema Committee.	<p><i>Chairman (a non-official):</i> was entitled to reserve a 1st class compartment for himself.</p> <p><i>Members (including Secretary):</i> Any two members were similarly allowed to reserve a 1st class compartment for themselves.</p>	<p><i>All members (including the Chairman and Secretary):</i> A subsistence allowance of Rs. 15 per diem was sanctioned for each continuously while on duty with committee in addition to a daily remuneration of Rs. 50 in the case of two non-official members. The non-official Chairman received Rs. 3,000 per mensem in addition to the subsistence allowance of Rs. 15 a day above mentioned.</p>
Banking Enquiry Committee.	<p><i>All members (including Vice Chairman):</i> were granted travelling allowance at 1st class rates under the Government of India Supplementary Rules. The Chairman, Sir B. N. Mitra, was provided with a saloon when travelling by railway on duty connected with the Committee.</p> <p>There was one official member on the Committee and he was paid travelling allowance under the supplementary rules.</p>	<p><i>Non-official members (including Vice Chairman):</i> Each was granted a subsistence allowance of Rs. 15 a day for each day of halt at places away from headquarters, in addition to a remuneration of Rs. 50 a day. But members of the Council of State and the Legislative Assembly when attending the meeting of the Committee at Delhi or Simla during the Legislative session were not permitted to draw the subsistence allowances for the days of their residence at these places.</p> <p>The Chairman was granted a compensatory allowance of Rs. 1,500 per mensem <i>plus</i> a subsistence allowance of Rs. 15 a day.</p> <p>The official member drew halting allowance under the supplementary rules.</p>

TEMPORARY CLERKS RETRENCHED BY THE ASSAM BENGAL RAILWAY.

82. ***Mr. Muhammad Anwar-ul-Azim** : Will Government please state how many temporary clerks have been retrenched by the Assam Bengal Railway since 1931, and how many of them are Moslems ?

Mr. A. A. I. Parsons : Thirty-three temporary clerks have been retrenched since January, 1931, of whom 3 were Moslems.

UNFUNDED DEBT OF THE GOVERNMENT OF INDIA.

83. ***Mr. Muhammad Anwar-ul-Azim** : Will Government please state what was the unfunded debt of the Government of India on the 31st March, 1931 ?

The Honourable Sir George Schuster : The amount of debt under the heading of " unfunded debt " in the Government of India accounts, outstanding on the 31st March, 1931, was as follows :

			Lakhs.	
Post Office Cash Certificates ..	..	..	38,44	
Post Office Savings Banks ..	..	..	37,08	
Provident Funds, etc. ..	..	..	71,26	
		Total ..	146,78	

The figures are provisional as the accounts of the year have not yet been made up finally.

REPAIR OF THE ARRACAN ROAD IN THE DISTRICT OF CHITTAGONG.

84. ***Mr. Muhammad Anwar-ul-Azim** : Will Government please state if they have undertaken to repair Arracan Road, in the district of Chittagong, under their road development scheme ? How long will it take them to make it fit for motor traffic ?

Mr. J. A. Shillidy : The Honourable Member is referred to the Resolution on roads adopted by this Assembly on February 4th, 1930. Under the terms of clause (5) of that Resolution the Governor General in Council has, with the advice of the Standing Committee for Roads, approved as one of the schemes put forward by the Government of Bengal, the provision of certain bridges on the Chittagong-Arracan Trunk Road. Government have thus not undertaken to repair the road, as suggested by the Honourable Member. The second part of the Honourable Member's question does not, therefore, arise.

RAILWAY TO PATUNGA POINT AND THE COST OF THE AERODROME THERE.

85. ***Mr. Muhammad Anwar-ul-Azim** : Will Government please state who is the owner of the railway line, that runs from Chittagong up to Patunga Point ? What is the relation of Government with that railway line ? Have they considered the desirability of making a railway station at the Patunga Point for the convenience of the public ? How much has it cost Government up to now to make the aerodrome at the Patunga Point ? From which Budget has it been met ?

The Honourable Sir George Rainy : The railway line referred to belongs to the Commissioners for the port of Chittagong and Government have no special relation with it. As the Port Trust railways are not intended for the conveyance of passengers Government have not considered the desirability of making a railway station at the Patunga

Point for the convenience of the public. The actual expenditure incurred on the acquisition and preparation of the landing ground at the Patunga Point up to the 31st March, 1931, was Rs. 1,37,445 including departmental charges, and since then a further sum of Rs. 72,000 including departmental charges has been allotted for the completion of the work. The cost is debitable to the Civil Aviation Budget.

COST OF THE DREDGERS "KARNAFULI" AND "PATUNGA."

86. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state how much the Port authorities at Chittagong have lost by way of repairs of the dredgers, "Karnafuli" and the "Patunga"? How much has it cost them to purchase them initially?

The Honourable Sir George Rainy : A sum of Rs. 12,03,901 including pilotage and docking charges, has been spent on repairs to the dredgers "Karnafuli" and "Patunga". The expenditure cannot, however, be described as loss, since repairs are necessary to ensure the prolonged life and efficient working of the vessels. The initial cost of purchase of these dredgers was Rs. 23,91,137.

EMPLOYMENT OF INDIANS BY PORT TRUSTS.

87. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state what control the Government of India exercise over the Port Trusts in India, and what is the position of the Indians on those Port Trusts, as regards their representation by way of a percentage?

The Honourable Sir George Rainy : With regard to the first part of the Honourable Member's question, I would invite his attention to the reply given to the first part of his question No. 176 in the Legislative Assembly on the 29th January, 1931. As regards the second part of his question, a statement showing the percentage of Indians on the various Ports Trusts in India is laid on the table.

STATEMENT.

<i>Ports.</i>					<i>Percentage of Indians.</i>	
Calcutta	26.3
Chittagong	33.3
Madras	26.6
Rangoon	29.4
Bombay	45.4
Karnachi	42.8
Aden	27.5

POWERS OF THE PRIVY COUNCIL IN RESPECT OF ORDINANCES PROMULGATED BY THE GOVERNOR GENERAL IN COUNCIL.

88. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state if it is a fact that His Majesty's Privy Council has opined that the Ordinances promulgated by the Governor General in Council are beyond their powers and that this is not contemplated by the Government of India

Act ? If their power in Ordinance making is imperfect, do they propose to make it perfect in that behalf ? If so, how soon ?

The Honourable Sir James Crerar : The reply to the first part of the question is in the negative. The second part of the question does not arise.

PROPOSED LICENSING OF "MUALLIMS".

89. ***Mr. Muhammad Anwar-ul-Azim :** Will Government please state whether they are aware that the "muallims" (Guides) give the Hajis the greatest amount of trouble by cheating and molesting them ? Are Government prepared to issue orders for the licensing of these "muallims" ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Government of India are aware that some muallims' conduct towards Indian pilgrims has given rise to complaints. The question of controlling the activities of muallims and their agents in India is at present under consideration in connection with the recommendations made by the Haj Inquiry Committee.

COMMUNAL INEQUALITY IN GOVERNMENT SERVICES.

90. ***Dr. Ziauddin Ahmad :** (a) Has the attention of Government been drawn to the article "Communal inequality in Government Services" published in the *Muslim Outlook*, dated the 24th April, 1931 ?

(b) Is it correct that the Mussalmans in the Civil Accounts Department are only about 5½ per cent. ?

(c) Are Government contemplating to take special steps to remove this communal inequality ?

The Honourable Sir George Schuster : (a) Yes.

(b) No. The correct percentage is 10.5.

(c) The instructions already issued are apparently proving effective. Muslim representation has gone up from 8.15 per cent. in 1925 to 10.5 in 1930. It is necessary to emphasize that since the instructions relating to communal representation refer to recruitment their effect must necessarily be gradual.

REPORTS FROM CERTAIN PROVINCIAL GOVERNMENTS ON FINANCE AND POPULATION OF ORIYA-SPEAKING TRACTS.

91. ***Mr. B. N. Misra :** (a) Are Government aware that the Provincial Governments of (1) Madras, (2) Central Provinces, (3) Bengal and (4) Bihar and Orissa, furnished reports as called for by the Subcommittee appointed by the Simon Commission presided over by Major Attlee as regards (i) finance, and (ii) the population of the Oriya-speaking tracts under their administrations ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to place the reports referred to on the table ?

The Honourable Sir George Rainy : (a) Government have not seen the reports referred to by the Honourable Member.

(b) Does not arise.

PROVISION OF AN EXTRA GATE AT BURHANPUR RAILWAY STATION.

92. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur H. M. Wilayatullah) : (a) Is it a fact that on the 31st January, 1931, about one hundred leading merchants of Burhanpur applied to the Agent, Great Indian Peninsula Railway, stating that there was only one gate provided at the Burhanpur Railway Station, for passengers and goods traffic, motors, tongas and carts, and that this congestion was causing people some inconvenience ?

(b) Did they ask for another gate being provided ?

(c) If so, what steps have been or will be taken in the matter and when ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to reply to questions Nos. 92, 93 and 95 together. Government are aware of the general complaint that the accommodation and facilities existing at Burhanpur Railway Station are not adequate to meet all public requirements, but, owing to the financial position, it has not been found possible to provide the funds necessary for improving these facilities. Plans and estimates have, however, been drawn up to effect the necessary improvements, and these will be taken in hand, when funds are available.

INCONVENIENT USE MADE OF THE PASSENGER SHEDS AND PLATFORMS AT BURHANPUR RAILWAY STATION.

†93. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur H. M. Wilayatullah) : (a) Is it a fact that the passenger sheds and platforms both for the Up and Down trains at Burhanpur are also used for storing parcels and goods ? Is it a fact that people complained that this was causing them inconvenience ?

(b) If so, what action do the Railway Department propose to take to remove this inconvenience ?

PROVISION OF A ROAD TO THE NORTH OF BURHANPUR RAILWAY STATION.

94. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur H. M. Wilayatullah) : (a) Is it a fact that there is no proper approach to the goods shed or the temporary goods siding towards the north at Burhanpur Railway Station ?

(b) If so, will the Railway authorities kindly state if they will provide a proper road to remove the great inconvenience during the rains ?

Mr. A. A. L. Parsons : (a) and (b). Government have no information, but if the lack of a proper approach road, mentioned by the Honourable Member, is an inconvenience to the travelling public, I would suggest that this fact be brought to the notice of the Great Indian Peninsula Railway Administration through the Local Advisory Committee.

†For answer to this question, see answer to starred question No. 92.

STORAGE OF DRY FISH AND HIDES ON THE PASSENGER PLATFORM AT BURHANPUR RAILWAY STATION.

†95. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur H. M. Wilayatullah) : Is it a fact that packages of hides and dry fish are kept on the passenger platform at Burhanpur ? If so, will the Railway authorities kindly state if they intend to take steps to stop this ?

REMOVAL OF A PUBLIC LATRINE FROM THE PROXIMITY OF THE THIRD CLASS WAITING ROOM AT BURHANPUR RAILWAY STATION.

96. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur H. M. Wilayatullah) : (a) Is it a fact that a public latrine is situated close to the third class waiting room at Burhanpur ?

(b) If so, will the Railway authorities state if they intend to take steps to have it shifted from there ?

Mr. A. A. L. Parsons : (a) and (b). Government have no information, but this is a matter which can most suitably be taken up in the Local Advisory Committee.

EXPENDITURE ON OVERSEAS PAY, EXCHANGE COMPENSATION ALLOWANCE AND PASSAGES.

97. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur H. M. Wilayatullah) : (a) Will Government be pleased to refer to their reply to part (a) of unstarred question No. 157 on the 2nd February, 1931, and state separately the total expenditure during the last three years, on

- (i) overseas pay,
- (ii) exchange compensation allowance, and
- (iii) free passage for Government servants of non-Asiatic domicile and their families ?

(b) What is the total budget provision under the above heads separately in 1931-32 ?

The Honourable Sir George Schuster : The information is being collected.

LOSS OR GAIN BY THE MAINTENANCE OF EXCHANGE AT 1s. 6d.

98. ***Sardar Sant Singh** : Will Government be pleased to lay on the table a statement showing :

- (a) the amount of remittances to England required in 1929-30 after deducting the trade balance in favour of India ;
- (b) the cost to Government if exchange had stood at 1s. 4d. and the savings by maintaining exchange at 1s. 6d. ; and
- (c) the loss caused to India by fall in prices due to action of Government of India in maintaining exchange at 1s. 6d. ?

The Honourable Sir George Schuster : (a) The attention of the Honourable Member is invited to paragraphs 6—9, 20 and 27 of the Report of the Controller of the Currency for 1929-30.

† For answer to this question, see answer to starred question No. 92.

(b) The only direct effect on the Government Budgetary position of maintaining the ratio at 1|6 instead of say 1|4 is to reduce the amount of rupees which have to be raised to meet the Government's annual sterling obligations by 1|9th. That is to say, taking the normal sterling obligation at £30 millions per annum, if the rupee stands at 1|6 the Government have to raise Rs. 40 crores to meet them, whereas if the rupee stood at 1|4 the Government would have to raise Rs. 45 crores. Therefore the immediate effect on the Government's Budget of dropping the rupee value to 1|4 would be to make it necessary to raise over 5 crores more of revenue.

(c) I regret that I do not understand the question. The fall in prices has been due not to the maintenance of exchange at 1s. 6d. but to general world causes. If, for example, exchange had been fixed at 1s. 4d. in 1927, India would have felt the full shock of the fall in world prices for all her main commodities just as much as she is feeling it now. The percentage fall would have been the same.

IMPORT OF WHEAT UNDER THE WHEAT (IMPORT DUTY) ACT.

99. ***Sardar Sant Singh** : (a) Will Government be pleased to state how much wheat has been imported to India since the passing of the Wheat (Import Duty) Act ?

(b) Are there any contracts exempted from duty under section 3 of the Wheat Import Duty Act, still outstanding ? What steps did Government take to check the genuineness of the contracts before permitting exemptions ?

(c) What steps have Government taken to improve the prices of wheat or stabilise them ? Do Government intend to take any steps for the future ?

(d) How much wheat is at present in excess of the requirements of the country ?

The Honourable Sir George Rainy : (a) 118,579 tons of wheat have been imported into India during the period from the 20th March, 1931, the date when the Wheat (Import Duty) Act, 1931, came into force, to the 20th August, 1931.

(b) Contracts covering not more than 2,549 tons of wheat were reported to be outstanding on the 20th August, 1931. The duty of checking the genuineness of the contracts rests on the Collectors of Customs under section 3 of the Act, and, under section 29 of the Sea Customs Act, they have the power, in cases of doubt, to require any documents bearing on the contracts to be produced before them.

(c) Government do not consider that any steps they could take would be effective in improving or stabilising the price of wheat. They have, however, taken much steps as they have found possible to assist the sale of Indian wheat, in the first place, through the Wheat (Import Duty) Act which has enlarged the internal market, and, in the second place, by reducing the railway freight on wheat from stations in the Punjab to Karachi with the object of assisting export sale. Government have also appointed a representative to the Standing Committee recently set up in London by all the principal wheat exporting countries with a view to exploring avenues for the greater utilisation of wheat. It is not

possible to say at present whether any further action will be found practicable or necessary.

(d) Government have no data on which a trustworthy estimate could be framed of the quantity of wheat in the country in excess of its requirements.

Dr. Ziauddin Ahmad : Are Government aware that on account of the time concession given in the Delhi Session of the 12 NOON. Assembly, the importers have imported wheat equivalent to the total amount which they would have imported under normal conditions ?

The Honourable Sir George Rainy : No, Sir. If by normal conditions the Honourable Member means, if there had been no import duty on wheat, then I cannot accept his statement as correct. If there had been no import duty, the imports would probably have been twice as large.

Sardar Sant Singh : If the reduction in freight granted during the last two or three months comes to an end on 14th September, does the Honourable Member intend to keep that reduction in freight on ?

The Honourable Sir George Rainy : The concession expires on 14th September. The object of that concession was to promote the export of Indian wheat and for that purpose it has not proved effective because exports of wheat to foreign countries have been very small indeed. The actual effect has been to stimulate the transport of wheat *via* Karachi to Calcutta, and in effect, I am afraid, it is merely a transfer from one route to another. In the ordinary course, that wheat would have gone by rail from the Punjab to Calcutta. In these circumstances, it is very difficult to make out a case for the continuance of the concession.

Sirdar Harbans Singh Brar : Why not send the wheat direct from the Punjab to Calcutta rather than send it *via* Karachi to Calcutta ?

The Honourable Sir George Rainy : Looking at it as a question of purely railway economics, at a time when railway revenues are falling, it is a serious business to make such changes in freights as will reduce heavily what the railways receive without doing any particular benefit to anybody else.

Sirdar Harbans Singh Brar : Is it not a fact that about 500 wagons go empty every week to Calcutta to fetch coal from Bengal, and if you reduce the rates you will make some money on them ?

The Honourable Sir George Rainy : It is quite true that, if I reduced the freight on the all rail route from the Punjab to Calcutta, so that it would be the same as *via* Karachi, more traffic would go that way. That, I do not doubt. But the Honourable Member must remember that the reduction *via* Karachi was not made in the interests of sending wheat to Calcutta, but in the hope that it would promote the export of wheat out of the country and so diminish the surplus.

STATEMENT LAID ON THE TABLE.

REPORT OF THE COMMITTEE ON THE PURCHASE OF THE BENGAL AND NORTH-WESTERN AND ROHILKUND AND KUMAON RAILWAYS.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I lay on the table the report of the Committee appointed by the Legislative Assembly on 1st April, 1931, to consider what action should be taken when the opportunity to purchase the Bengal and North Western and Rohilkund and Kumaon Railway systems occurs on the 31st December, 1932, and to make recommendations.

Report of the Committee appointed by the Assembly on the 1st April, 1931, to consider what action should be taken when the opportunity to purchase the Bengal and North-Western and Rohilkund and Kumaon Railway systems occurs on the 31st December, 1932, and to make recommendations.

At the outset we wish to emphasise that in considering our recommendations we have had constantly before us the strong feeling which we know to exist in this country, and to which expression has often been given both in the Assembly and elsewhere, in favour of the State-management of railways and the termination of the contracts of railway companies at the earliest possible opportunity. We have also not overlooked the fact that the Bengal and North-Western and Rohilkund and Kumaon Railway Companies' management of their lines has frequently given rise to adverse public criticism, and that consequently a desire has been expressed that these lines in particular should be transferred to State management. But we have been compelled to recognise the practical obstacles to meeting at the present moment what we believe to be a general demand.

2. In our examination of the question we have had the advantage of receiving from the Honourable Finance Member very full explanations both of the present financial position and of the financial effects of purchasing the lines under the terms of the agreements with the Companies.

On the first point, the aspect chiefly emphasised by the Finance Member was that in present conditions the very large sterling sum (nearly £12 million) required to purchase the railways could not be raised without unduly straining India's credit with possible detrimental effects to existing securities, or without reducing the power of the Government to finance new expenditure in other directions to such a degree as seriously to prejudice their ability to maintain the railways of India in proper condition or to provide employment in India and place orders with Indian factories. Railway expenditure has, in view of the present financial position, already had to be reduced to a minimum. If the financial resources of the Government were further strained by providing money at the present juncture for the purchase of existing lines, a still more severe restriction on new expenditure and even on renewals would have to be imposed. The results of such a restriction would be so detrimental to India as to constitute a grave objection to purchase at the present time.

On the second point, an examination of the figures supplied to us demonstrates that having regard to the terms on which money would at the present time have to be raised and having regard to the prospects of railway earnings for the next few years, the purchase price to be paid under the terms of the existing contracts is extremely unfavourable. We observe incidentally that the purchase price payable under the terms of the agreement with the Bengal and North-Western Railway Company would apparently suffice for a distribution to the ordinary stock-holders of the Company of about £260 for every £100 of stock held, while on the basis of the last balance sheet, the other assets of the Company would seem to allow a further distribution of about £40 per £100 stock. The market quotation of the stock in London on July 22, 1931, was only £214.

On these grounds it was argued that, if regard were to be had only to financial considerations, the purchase of the railway on the contract terms could be justified only if there were very material improvement both in the terms on which the Government could raise sterling loans and in the prospects of earnings from the two railways ; and that even with the maximum improvement in these respects, which it is possible to expect, it is hardly likely that the transaction would prove to be, on financial grounds, favourable within the next few years.

2. For these reasons the Government members on our committee consider that it would most probably be in the best interests of India to allow the option of purchasing the railway on December 31, 1932, to lapse, and to rely on negotiating independently with the company. They consider that it should be possible to make an offer which, while much more favourable to the Government than the contract terms, would nevertheless be sufficiently favourable to secure agreement to a sale by the company. They consider, moreover, that by negotiating on these lines it is much more probable that an arrangement could be made which would be within the financial resources of the Government of India during the next few years.

The remaining members of the committee, however, have been more impressed by the fact that if the option to purchase on December 31, 1932, is not exercised, the Government will, under the existing agreement, be left with no absolute right to purchase until 49 years later. While they recognise the possibility of purchase by negotiation at any time independently of the agreement, nevertheless, having regard to the general public feeling, as expressed in the Assembly and elsewhere, in favour of the purchase of all companies' railways and of these two railways in particular, they feel themselves unable to recommend a course which would leave the Government without any legal right of acquisition for so long a period. They consider therefore that every effort should be made to obtain such a right. The Government members, recognising the strength of Indian opinion in this matter, are anxious to respond to this view as far as that is possible without committing the Government to financial obligations which it cannot discharge, or to unreasonably onerous terms. In these circumstances we have been able to reach agreement in recommending the following course.

We recommend that Government should enter into negotiations with the two companies to obtain from them an option to purchase the lines on the most favourable terms on the 31st December, 1937, subject to one year's notice, or, if possible, on the 31st December, of any earlier year, again subject to one year's notice.

4. We observe that the contracts relating to the working of the Tirhoot Railway by the Bengal and North-Western Railway Company terminate automatically on the 31st December, 1932. We recommend that the question whether the working of the Tirhoot Railway should be entrusted to the Bengal and North-Western Railway Company during the five years (or shorter period) for which we suggest that the option to purchase the Bengal and North-Western Railway should be obtained, should be determined by the terms on which it is possible to obtain this option and to arrange with the company for working the Tirhoot Railway during this period.

The contracts relating to the working of the Lucknow-Bareilly State Railway by the Rohilkhand and Kumaon Railway Company can be terminated on the 31st December, 1932, or on the 31st December, in any subsequent year. We recommend that the question of the Lucknow-Bareilly State Railway should be entrusted to the Rohilkhand and Kumaon Railway Company during the five years (or shorter period) for which we suggest that the option to purchase the Rohilkhand and Kumaon Railway should be obtained should be determined by the terms on which it is possible to obtain this option and to arrange with the company for working the Lucknow-Bareilly State Railway during this period.

5. In the event of its proving impossible to reach agreement with the Bengal and North-Western and Rohilkhand and Kumaon Railway Companies on the terms recommended in paragraph 3, we recommend that the Government should explore other lines for reaching agreement which would ensure to the Government the opportunity to purchase on reasonable terms, and that the Government should again consult a committee of the Assembly for the purpose of reconsidering the position as regards the management of the Tirhoot and Lucknow-Bareilly Railways.

G. RAINY.
GEORGE SCHUSTER.
M. A. AZIM.
M. MASWOOD AHMAD.
RAM KRISHNA JHA.
MOHD. AZHAR ALI.
HARI RAJ SWARUP.
B. N. MISRA.
ZIA UDDIN AHMAD.
GAYA PRASAD SINGH.

SMMLA,

The 5th September, 1931.

THE INDIAN INCOME-TAX (SECOND AMENDMENT) BILL.

The Honourable Sir George Schuster (Finance Member) : Sir, I beg to move that the Bill further to amend the Indian Income-tax Act, 1922, for certain purposes, be referred to a Select Committee consisting of the Deputy President, Sir Hari Singh Gour, Sir Cowasji Jehangir, Mr. S. C. Mitra, Mr. Muhammad Anwar-ul-Azim, Mr. L. V. Heatheote, Mr. N. N. Anklesaria, Sir Abdullah Suhrawardy, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

Sir, this is an important measure. It was introduced in the last session and a motion for circulation was carried. Numerous opinions have been received and I trust that Honourable Members have had time to study those opinions. Before I deal with any of the detailed measures of the Bill, I wish to clear the air as to its general purpose. One must recognise, of course, that a measure of this kind, which affects the whole basis on which the income-tax is assessed can be represented as being open to very many objections. It will interfere with a good many existing positions and no doubt a good many hard cases will arise. But I wish to impress upon Honourable Members the importance of their not being distracted from the main purpose of the Bill by detailed objections of this kind. I would ask them to put before themselves this very simple question. Can the Government of India, can the public of India, possibly justify not passing of a measure of this kind ? Is it fair that a man who has money to invest should be put into this position, that if he invested in Government securities in India or if he invested in business enterprises, commercial concerns, banks or other propositions in British India, he is subjected to the burden of the British Indian Income-tax, but if he sends it away to the United States, to France or Germany, he can get the whole of his income and contribute nothing towards the cost of the Government of this country ? I would submit that on that main principle the answer must be clear to every public spirited man in this country. This is a measure, which, as I have said, undoubtedly will affect certain interests. It will undoubtedly be embarrassing to certain people. I would suggest to this House that there is no class of Members in this House who will be more embarrassed by it than those of us who sit on these Benches. But we felt it to be our duty to put this measure before the House. I want to put it before the House in the fairest possible way ; I want to give the House the fullest time for considering it. There is no intention of rushing it through, no intention of neglecting any opportunity to correct details where by detailed improvements you can remove obvious injustices. But I think this House should consider very seriously what they will commit themselves to if they reject the principle of this Bill. We, of course, shall accept the opinion of the House, and it is with you, gentlemen, that the responsibility mainly lies.

Again, before entering into real details of the Bill, I wish to deal with one objection to the Bill as it stands at present, which has been brought out very clearly in the opinions which we have received. I refer to the principle of discrimination between domiciled and non-domiciled residents. Now, Sir, I made it clear in introducing this Bill that in adopting that discrimination, we had followed the principle

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followed by the British Government. We recognised fully that a very difficult point was raised in this matter. But we had to include some provisions for dealing with it and we thought that the simplest method would be, inasmuch as we were following the British practice in the general principle, the simplest method would be to include in the Bill a provision which was in accordance with the British practice on this particular point. I fully recognise the force of the objections which have been raised to this principle of discrimination ; but I would ask the House to consider that it is not merely a case of slavishly following the British practice. The provision of the British law on the subject is based on a substantial principle ; it is based on the principle of making a man pay tax to some extent according to the economic allegiance which he owes, and a domiciled resident does owe an economic allegiance to the country of his domicile which a temporary resident does not owe. After having said that much, I fully recognise that the case of India is rather a special case. There is in India a community which is resident but not domiciled in the technical sense, which lives in India under very special conditions. I refer to all that class of officials and business men who spend the greater part of their working lives in India, and yet are not in the technical sense domiciled in India. I freely admit that in the case of the United Kingdom there is no parallel to that particular class and that, I fully recognise, does give a point to some of the objections which have been raised to this provision.

Now, Sir, on this point I am particularly anxious to make the attitude of Government clear. We have, for the reasons which I have explained, inserted that particular provision in the Bill, but it would be perfectly open to the Select Committee—if this House agrees to send the Bill to Select Committee—to amend that particular provision. If they do so amend it, Government will accept their amendment. Government will not say that this defeats the principle of the Bill and therefore they will not proceed with it further. I trust, Sir, that this will resolve a good many of the doubts which are felt on the other side.

Now, Sir, on the main issue, Honourable Members who have read the opinions will see that here has been a considerable divergence of opinion. Several Local Governments and such important bodies as the Bombay Chamber of Commerce, the Bengal National Chamber of Commerce, the Indian Chambers of Commerce, Lahore and Calcutta, and several Trades Associations have expressed their general approval of the principle that foreign income of residents should be made liable to Indian income-tax, although in one or two cases opinions so expressed have been made subject to important qualifications. On the other hand a number of Local Governments and public bodies have opposed this principle and a variety of reasons have been put forward. I do not propose to spend much time at the present stage in referring to those who apprehend serious administrative difficulties, and that my anticipation of a substantial increase of revenue from this source will be falsified owing to evasion and so forth. This was a matter which was considered very carefully before the Bill was drafted, and the departmental officers responsible advised me that the passage of this Bill would not introduce any serious new administrative problem, but that on the contrary it

would relieve them of various more or less insoluble problems with which they have constantly to deal under the present system, for example, those arising out of the difficulty of determining whether a remittance from abroad is a remittance of profits or a remittance of capital. That point will be entirely eliminated if the present Bill is passed. As regards the yield that we may expect from this measure, it is in the nature of things impossible for the Income-tax authorities to give any accurate estimate. They have never been in a position to get returns of foreign income and they have no basis on which to make their calculations. I think I need only say that at least it will be a possible source of revenue and I do not think that any Honourable Member will quarrel with me in attempting to discover any new possible source of revenue to-day which can fairly be tapped without putting an unfair burden on any class of the community. Indeed at times like the present, quite apart from the revenue which we may expect, there is a special reason for introducing a measure of this kind ; for this measure, if it is effective, will remove a force which is operating as a magnet to withdraw funds from the country. It will remove a particular inducement to invest money abroad, and I am sure Honourable Members will agree with me that all the money which is available for investment in India to-day ought to be invested in India and not in the United States or other foreign countries.

Now, Sir, several opinions have referred to the fact that the Indian Taxation Inquiry Committee, which reported some years ago, did not recommend this measure. I do not think that, because a Government Committee which reported six years ago failed to recommend a measure, I am precluded from taking a different view and introducing it. But there are other circumstances which operate to-day. First of all, when the Indian Taxation Inquiry Committee reported, income-tax was not nearly as high as, unfortunately, it stands to-day. Therefore that magnetic force to which I referred as tending to draw capital from this country was not nearly so strong then as it is now. Secondly, we had not the same need of revenue, and the reasons for introducing such a measure are on these two grounds much stronger to-day than they were in 1925.

I am also told—and the point has been made frequently in the opinions received—that if the main object of the Bill is to prevent the withdrawal of capital from India, it will fail to achieve this purpose because the causes which are now promoting such withdrawal are of a very different nature to the inducement of escaping income-tax to which I have referred. It is quite true that there may be other causes ; but this at least is one important cause which, in the absence of all other causes, would operate most strongly, and this measure proposes to remove that cause and as such I think it is a measure worth passing.

I now come to what I conceive to be the main criticisms of the Bill, criticisms to which I should most seriously address myself, criticisms which are aimed at the justice and legitimacy of this form of taxation. It has been argued as a general proposition that restrictions on the free movement of capital, and thereby upon the spirit of enterprise, are undesirable in themselves ; and it has been added that it is particularly undesirable to unsettle trade relations between British India and the States. I am

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afraid that I cannot subscribe to those arguments. Whatever advantages there may be to a country in its becoming a country which has foreign investments, such advantages are too dearly bought if they are obtained at the price, not of removing an unfair barrier, but of creating an artificial stimulus to people to send their money out of the country in which they live, money which might otherwise be invested in India. That is a point which I emphasized at the beginning and which I want to emphasise again, that the object of this Bill is to remove the artificial stimulus to the export of capital, and therefore it is most unfair to describe it as the erection of a barrier.

With regard to the Indian States in particular, I cannot myself see, to take a practical example, why an investor in British India who wants to put his money, let us say, into putting up a new cotton mill, should be swayed in favour of building that mill in an Indian State rather than in British India, because, if he erects it in an Indian State, he will escape income-tax. Surely that is a condition which cannot appeal to any Member in this House. In most of the Indian States he would have to pay no income-tax, and if that condition continues, it will eventually prove very detrimental to the interests of British India. I ask Honourable Members to consider that point very carefully.

Others again, to deal with criticisms on the fairness of the principle of this Bill, have urged that it is unfair for British India to tax money earned, let us say, in the United States, because the Government of India performs no service to the investor to help him to earn that money. That, if I may say so, is a very extraordinary argument. The Government of India levy taxation on the people who reside in India, let us hope mainly according to the principle of ability to pay. And to exempt a man who earns the whole of his income by investing it abroad because the Government of India have nothing to say in protecting the interests and the conditions under which that money is earned, is, I think a most preposterous proposition.

Then I turn to another extremely important point, the question of double taxation. That again is one of the objections which have been urged in very general terms. I think that there is a great deal of misunderstanding on that point. In the first place, if a man does want to invest his money abroad, there is a very wide selection of countries and of investments which he can choose, on which he will be able to draw interest or dividends without any deduction of income-tax by that foreign country whatever. If he wants to put his money in the United Kingdom, even there, although in the main income-tax is deducted at the source, he can find investments like the 5 per cent. War Loan or the "Funding Loan", or the Government of India's own sterling securities, or the bonds of any foreign country or of any Dominion, on which he can draw interest without any deduction of income-tax at the source. That money he gets, and according to this Bill he would only be subjected to Indian income-tax upon it. There will be no sort of case of double taxation. Then again he can go to a great number of countries and also draw his dividends without any deduction of local income-tax. I am afraid it is much too easy, and I do not want to continue the list by suggesting to Honourable Members ways in which they can invest their money without any levy of income-tax.

But on this question of double taxation I want to pursue the matter rather further. The Government of India has arrangements with the British Government and with the Governments of the Indian States where income-tax is levied, according to which no investor really has to submit to the burden of double taxation. As far as England is concerned, the case is very simple, and I would like to put a practical case to Honourable Members which I think will bring home to them something of what this Bill, if passed, would achieve. Let us take a man who has £20,000 to invest. He puts it into some British investment which yields him 5 per cent. The income which he will draw is thus £1,000. Supposing the British income-tax deducted at the source is 4s. in the £, that is to say a tax of 20 per cent., he will pay a tax of £200 to the British Government. If this measure is passed, what would be the position? The British Government would still deduct that £200. Supposing the income-tax in India is 10 per cent. or 2s. in the £. In that case the investor would have to pay £100 in income-tax on his income of £1,000 to the Government of India; but he would get that £100 refunded out of the tax which he pays to the British Government. The result of that would be that the investor himself would be no worse off; but instead of the whole of the £200 going to the British Exchequer, £100 of it would come to the Government of India. Therefore, so far as money invested abroad represents money invested in England, on which tax is deducted at the source, the result of this measure will be not to subject the investor to any new burden, but that the Government of India will recover from the British Exchequer a very large income which at present the British Exchequer recovers on Indian investors' money. I trust, Sir, that that is a point which will appeal to some at least of the Honourable Members in this House.....

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : What about the United States?

The Honourable Sir George Schuster : We have no arrangements for double taxation relief with the United States; but as my Honourable friend, I am sure, is aware, he can buy dollar bonds and draw full interest without paying any income-tax at all to the United States; and if he is in that happy position, I do not see in the least why I should not come down upon him and say "You are paying no income-tax to any other Government : please pay it to me.".....

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : What about Indians trading in East Africa or South Africa?

The Honourable Sir George Schuster : As a matter of fact they are already, under our existing income-tax law, liable on business profits which are remitted to this country. It is quite true that under the present Bill, if it becomes an Act, they would be liable to tax on profits whether they are remitted to this country or not; and I suggest to the House that there is no unfairness involved in that result.

Sir Cowasji Jehangir : Would they not be liable also to income-tax in the country in which they are carrying on their trade?

The Honourable Sir George Schuster : I think my Honourable friend is raising a number of points which I hope he will have ample opportunity to raise in Select Committee....

Sir Cowasji Jehangir : But the answer is very simple : it must be, in the affirmative; that there will be double taxation.

The Honourable Sir George Schuster : Then it will be left to the ingenuity of my Honourable friend to devise some means to avoid such a harsh operation of this measure, and I am sure it will not be beyond his ingenuity to suggest some amendment which we shall be able to accept.

I do not propose to explain to the House in further detail all the measures for avoidance of double income-tax and the arrangements which exist as between the Government of India and the Indian States. We have as a matter of fact different arrangements with Mysore from certain other States. I propose to supply a note on that point to the members of the Select Committee, and if any Honourable Member of this House wishes to have that information I shall be very pleased to furnish him with it.

Then, Sir, I would turn to another point. Special mention has been made in some of the opinions of the case of Indian holders of Indian sterling securities who bought those securities in the belief that they would enjoy the yield without having to pay Indian income-tax, and the suggestion has been made that it will be a breach of faith on our part to introduce a measure now which would defeat them of their expectation. Again I think that that is rather a preposterous suggestion. These investors live in India and are fair subjects of Indian taxation, and that one Indian citizen should be allowed to invest in a sterling loan and escape income-tax while his neighbour who invests in a rupee loan has to pay income-tax, and income-tax I say with regret in ever increasing measure—and that the correction of that disparity should be regarded as a breach of faith is I consider to be a preposterous criticism of the Bill. It is no more a breach of faith than it is for us, as we did last session, to introduce an increase in the Indian income-tax, and many a holder can say, “I invested my money in the Indian rupee loan thinking that the tax was going to be put on at a certain level and you have defeated, most unfortunately, that expectation”. I think, Sir, the argument has only to be mentioned to be dismissed.

Then, Sir, before I conclude, I would like to clear up one field of misunderstanding. Several bodies have construed the amendments made in clauses 6, 7, 8, 13, 14 and 17 as creating some new exemption from liability to Indian income-tax on salaries or interest on securities paid abroad. That is a complete misconception, as I think should have been obvious to any one who really perused the remarks on those clauses in the explanation of the Objects and Reasons of the Bill. The true position is this: The amendments merely deal with machinery sections and do not make any difference to the liability to tax. On the contrary, what we are now proposing by those amendments is the removal of a possible loop-hole in the existing system under which a resident might arrange to have his salary or interest on securities paid outside India and yet escape income-tax which would be adjusted uniformly. That, Sir, is a point upon which I do not think I need dwell further, for it can be further discussed in the Select Committee.

I have detained the House for some time on this measure, Sir, because I thought it necessary that I should, before anything further was said, clearly explain the Government's position on certain fundamental points, and also remove certain misunderstandings which it is clear from the nature of the opinions received, already exist. Such contact, as I have been able to establish with some of my friends on Benches opposite, leads

me to suppose that there will be a certain amount of opposition to this Bill. It was in order to dispel what I believe to be the misunderstandings on which that opposition would be based that I have emphasised so strongly what I considered to be the main purpose of the Bill. Now it lies with the House. The principles are clear; the objects which we are aiming at are clear, and I say with all the emphasis that I can command and although I myself, speaking personally, will be very severely hit by this Bill, that I think that it is a measure which nobody who has the interests of India at heart could possibly reconcile it with his conscience to reject.

Mr. R. K. Shanmukham Chetty: Mr. President, my Honourable friend the Finance Member spoke of the possible conflict of personal interests that this measure might give rise to, and I am free to confess to this House, Sir, that I am in the happy position of one who is not personally affected by this new measure that is proposed to be enacted. I am patriotic enough to place all my investments in my own country (Hear, hear), and I have not yet sought investments abroad, in spite of the inducements that a certain class of investments abroad have offered in the way of escape from income-tax from any country in the world. My Honourable friend, in his Statement of Objects and Reasons and when he introduced the Bill, mentioned to us that the chief objects which induced him to attempt to put a measure of this nature on the Statute-book were firstly, to fill up a lacuna in the Indian income-tax law as it exists at present, to prevent the flight of capital abroad, and to earn additional revenue by the income-tax. In analysing the object which I have just enunciated, I may at once concede, Sir, that the want of a measure of this nature leaves a lacuna to be filled in the Indian income-tax law as it exists at present. My Honourable friend wants this measure not so much to fill up this technical defect that at present exists in the Indian income-tax law, but to prevent primarily the flight of capital abroad. In examining the nature and extent of the flight of Indian capital abroad, it would be necessary for this House to assess what exactly are the reasons that have led to this recent flight of capital abroad. If it is the contention of my Honourable friend opposite that the defect in the income-tax law is the primary inducement for this flight of capital, then I might at once say that I most respectfully beg to differ from him, and in this connection, Sir, my opinion is supported by the valuable testimony of the Commissioner of Income-tax, Burma. In the note that he has submitted on this Bill, he clearly says :

“ In the Statement of Objects and Reasons it is contended that the freedom of Indian taxation on income received by British Indian residents outside India offers an inducement for the investment of money abroad. This, in my opinion, is largely a theoretical argument, and I doubt very much if in practice this feature of the law has induced many persons in India to invest their money abroad.”

And he goes on to say that,—

“ if this is the main reason for the Bill, therefore, it cannot very well be justified.”

My study of this phenomenon of this flight of capital from India also confirms me in the view taken up by the Commissioner of Income-tax in Burma. Sir, this is not the opportunity to dilate upon the various economic causes that have led to the flight of capital, especially in recent times from India to foreign countries. But it is enough for the purposes of my argument that this inducement mentioned by my Honourable friend is not the primary cause of the flight of capital from India to foreign countries.

[Mr. R. K. Shanmukham Chetty.]

Coming now to the third object of the Bill, namely, to secure additional revenues, I doubt very much whether my Honourable friend would be in a position to collect, to any appreciable extent, additional revenue from this new measure. He himself referred to the administrative difficulties mentioned by the Indian Taxation Committee, and he assured this House that he was informed by his administrative officers that no serious administrative difficulty would stand in the way of the collection of the income-tax proposed. But, Sir, taking it on the whole, it might safely be said that as a result of this measure the honest man will have to pay more and the dishonest man will just pay what he has been paying all these years. (Hear, hear.) I know that every law must rope in dishonest persons also, but the value of a law in roping in dishonest persons must be judged from the procedure that it lays down which would effect the roping in of these dishonest persons. And I would submit to the House that, in spite of the vigilance of the income-tax officers and the Income-tax Department, it would be absolutely impossible to detect evasions as a result of this measure. I therefore contend that, whatever might be the hopes of my Honourable friend, he would not realise any appreciable increase of revenue as a result of this measure.

Having stated these preliminary objections against the Bill, I would now proceed to analyse my main objections to the clauses of the Bill. The present law of income-tax in India with regard to foreign investments is this, that a person is assessed to income-tax on the profit derived from a business abroad if it is brought into the country within three years of the end of the year in which the income is derived. That is the present position. How does the Bill seek to alter this law? It provides that in the case of residents of India the income received in the country from investments abroad will be liable to Indian income-tax, and in the case of persons resident and domiciled in India the Bill seeks to provide that they will be liable to taxation in respect of incomes not merely received in the country but even of incomes which have accrued abroad. That, in short, is the main provision of the Bill.

Now, coming to the objections to these provisions, my Honourable friend himself mentioned to us an objection on the ground of double taxation, and he made some attempt to explain the position and wanted to convince the House how people will not seriously suffer as a result of this double taxation coming into operation. But, Sir, my Honourable friend did not inform this House that England, which has an income-tax law similar to the present Bill, has entered into reciprocity arrangements with other countries by which this double taxation is avoided, and I would ask my Honourable friend whether it is not a condition precedent to the placing of such a measure on the Statute-book that such reciprocity arrangements should be arrived at between the Government of India and the foreign Governments. So long as such reciprocity arrangements have not been entered into, I contend that the operation of double taxation would be a very serious injustice to the Indian subjects.

Sir, the Bill seeks to make a distinction between those who are only residents of India and those who are resident and domiciled in India. To my great relief, my Honourable friend the Finance Member assured this House that the decision on this point would be left to the Select Committee of the House and that if the decision went against the provisions

of this Bill, he would not treat it as affecting the main principles of the Bill. I would submit to the House that, even if this Bill goes to a Select Committee, there is not the slightest justification for maintaining this difference between residents and persons who are both resident and domiciled. The whole question of the theory of double taxation was very carefully gone into by a special Committee appointed by the League of Nations, and on this Committee there were some very eminent economists, and it reported to the Financial Committee of the League of Nations. The report says :

“ The basis of taxation should be economic allegiance, that is, only those who owe economic allegiance rather than political allegiance to the country should be subjected to its tax laws.”

That is the main conclusion that this expert Committee arrived at. Now, I would put to my Honourable friend the Finance Member and to this House whether the European residents in India who carry on their trade in India owe economic allegiance to India or not ; and if it is agreed that their economic allegiance is to India, then there is not the slightest justification to make a distinction between those who are resident and those who are both resident and domiciled.

Sir, this provision that my Honourable friend has put in in clause 4 is interesting from another point of view. It throws a great deal of light on an important constitutional question which is being discussed elsewhere, I refer to the question of the equality of trading rights claimed by the resident European community in India. Well, if the principle enunciated in this clause is to be carried to its logical conclusion, if it is conceded that a person who is only resident in a country has got only limited obligations to that country, then *per contra* it must be conceded also that a person who is resident in this country must have his rights and liberties restricted in that country. I do hope that the principle enunciated in this clause will be discussed in its logical sequence when the theory of equality of trading rights comes to be discussed in another place. But whatever might be the decision on that point, so far as this House is concerned, even if this Bill goes to a Select Committee, there will not be the slightest justification for maintaining this distinction between residents and those who are both resident and domiciled. In practice, if this distinction is maintained, it will certainly operate as a serious hardship upon individuals and business firms. If two business firms in a place are carrying on trade and they trade in competition with one another, and if one of these is to be exempted from Indian income-tax in respect of incomes received from its foreign investments, then, surely, you place the other firm and other individual in a position of serious disadvantage. In practice, therefore, I submit that if this provision is retained it will work serious hardship.

My Honourable friend referred to the possible complications that this measure may give rise to in our relation with Indian States and I do not think that I am competent at this stage to go into all the details of the relation between Indian States and British India, especially with regard to income-tax law, but I would only mention this, that when the whole constitutional question is now being discussed—and I take it that this question of income-tax law and income-tax rights as between Indian States and British India will be one of the subjects that will be discussed in the constitutional discussions—this is not the time to enact a measure of this nature.

[Mr. R. K. Shanmukham Chetty.]

Apart from all these objections, I would submit that the time is not opportune for placing a measure of this kind on the Statute-book. Already trade, industry and commerce are seriously hit by the economic depression through which we are all passing and I would only submit to this House that, at a time of economic crisis like this, it would not be justifiable to impose an additional burden on trade, industry and commerce. My Honourable friend the Finance Member has mentioned in the Statement of Objects and Reasons and also in his speech that this Bill is in conformity with the English law on the subject. I wish, Sir, that my Honourable friend had given us a little more enlightenment on the exact provisions of the English law in this point. Income-tax is certainly a nuisance, but income-tax law is a greater nuisance. I do not know whether there is any person who can claim to understand the income-tax law of any country thoroughly, and I am free to confess that when I attempted to understand the principles of English law on this point, I found very great difficulty indeed, but this much I was able to see—that the provisions sought to be introduced in this Bill are not exactly similar to the English law on this point. The English law on this point makes a distinction between persons who are resident and persons who are ordinarily resident. I find in some papers containing the opinions on this Bill a misconception that there is no distinction at all between resident and domiciled persons in English law. I must inform the House that that impression seems to be a wrong one. But this much can be said with confidence, that the non-domiciled resident gets more favourable treatment as compared with the domiciled resident. Under the English law, if a business is carried on entirely abroad, then it comes under the classification of foreign possessions, and the income derived from such business is exempt from British income-tax, and I find no such provision in the present Bill, and I would therefore submit that on a very fundamental point there is a great difference between English law and practice on this point and the Indian law as sought to be amended by my Honourable friend.

I will not dilate upon the value of consular services referred to by my Honourable friend Sir Hari Singh Gour, but I would only mention this—that it is the measure of protection that a country gives that justifies the taxation that it imposes, and judged from this criterion, I can say with confidence that the measure of protection given by the Government of India to the Indians abroad does not justify the imposition of this additional burden.

These are my main objections to the provisions of the Bill. It might be said that these defects could be remedied in the Select Committee, but I beg to submit that some of the objections that I have mentioned are fundamental objections, which cannot be remedied in the Select Committee. No doubt the distinction sought to be made between residents and domiciled persons can be remedied in the Select Committee, but beyond this the other fundamental defects cannot be remedied in the Select Committee. If I oppose this Bill even at this stage, it is not because I refuse to subscribe to the principle, and a very healthy principle too, enunciated by my Honourable friend, that no encouragement should be given to an Indian citizen to invest his money abroad and thereby escape taxation—it is not because I refuse to subscribe to that principle—I whole heartedly subscribe to the

principle—but, Sir, I oppose this Bill at this stage, and I would have no hesitation in advising my Honourable friends to throw out this motion, because there are not existing those conditions precedent which alone can justify the enactment of a measure of this nature, and so long as those conditions precedent are not satisfied, it will not be justice on the part of the Government to impose this additional burden on the trade, commerce and industry of this country.

The Assembly then adjourned for Lunch till Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President in the Chair.

Mr. L. V. Heathcote (Nominated Non-Official) : Sir, the Honourable the Finance Member at the close of his speech told us that from certain conversations he had had with Honourable Members on the other side of the House, he gathered the impression that there was some opposition to this Bill. He will since have heard from the Deputy President that there is very considerable opposition to the Bill, and I propose now, Sir, with your leave to add myself and the interests that I represent as also being opposed to this Bill. I think that we might, however, be grateful to the Honourable the Finance Member for having proved himself to have been as good an exponent of the reasons for the rejection of this Bill as we could have expected even among the Government Benches. What actually did he tell us ? What were the reasons for which this Bill was introduced ? On the paper, the only reason that is given for the introduction of this Bill is to prevent the flight of capital from India ; and the Honourable the Finance Member said that, in normal conditions, this measure would have some effect upon preventing capital from leaving India. I think we will all agree with that. It will have some effect. But what effect ? I agree with the Honourable the Deputy President in saying that the effect will be almost nil ; and yet this is the principal reason advanced by the Government for the measure. It is the general opinion and my opinion—I do not propose to ask Honourable Members to believe that mine is very valuable opinion—that capital is not caused to fly from the country because of taxation, but that security of capital is what is the main idea in the mind of any one who prefers to invest abroad. Those who have exported and are perhaps now exporting capital from India can be divided into the genuine investor and the speculator. The genuine investor is definitely concerned with the security of his capital, and, however regrettable it may be, conditions in India during the last year or so have not been such as to instil any feeling of security in those with capital to invest ; and for that reason alone, the imposition of a tax which is a fraction of the income which is itself a fraction of the capital is not going to deter people from putting their money where they think it safe to invest it. They will put their money where the capital is more secure, even if the return on the capital is smaller. The speculator is in a different class. He is the man who hopes, by criticising the exchange policy of the Government of India, so to bear the market that he will be able, having sent his money home or abroad, at the rate of 20d. to the rupee to bring it back after some years at 10d. : 100 per cent. profit ! Now is he to be deterred from speculating in that fashion by the possibility that he may have to pay a tax upon that money when it is brought back to India ? That, I feel certain, is not the case ; and that

[Mr. L. V. Heathcote.]

being the major reason at least, and the only reason on the paper for this Bill, I feel that there can be no justification for carrying it through. We learnt, however, that revenue was also an object of the Government ; and here also the Honourable the Finance Member says that this Bill will provide a " possible " source of revenue. Now there can be no doubt that it will provide a source of revenue of some sort. But is the whole basis of income-tax law for India to be changed for some small sum of revenue ? We have not been told what the Government expect to receive in additional revenue. We know that the Government are extremely hard put to find money in order to balance their Budget, and I think that, generally speaking, this House would assist the Government in carrying through a measure to provide the Government with any large amount of revenue even if the conditions of that measure were not entirely satisfactory. But no hope is held out to us that any large revenue is coming as a result of this Bill. We have heard it said that Rs. 40 lakhs or 50 lakhs may be expected. But are 40 lakhs or 50 lakhs worth the introduction of a measure changing the whole system of income-tax law in India and a measure moreover which has many essential defects in it which I very much doubt can be removed by the Select Committee ? So here again I am afraid that the Honourable the Finance Member has failed to justify the need of a measure of this importance. He has no doubt cleared up some misapprehensions which exist in regard to this measure, but I am inclined to think that he has created almost as many as he has cleared up. He refers to the Bill as a justifiable Bill and he asks whether it is fair for a man who invests his money in the rupee loans of the Government of India to be taxed on the income arising from that investment, while another man working in India has sent his money to England and invested in British securities and thereby avoided the payment of Indian income-tax ? But has that man avoided the payment of income-tax ? Why did he invest his money ? To allow it to grow, or to use it himself for his own expenditure ? In the majority of cases it must be for his own use, and he brings it back to India. He therefore pays income-tax. Is not that sufficient....

The Honourable Sir George Schuster : I am afraid my Honourable friend is under a misapprehension as regards the law on the subject. Income derived from *investments* abroad is not liable to income-tax in India, but income from *business profits* brought into India is liable to tax if brought in within three years. One of the points of this measure is that there is no chance of getting income-tax out of income earned from *investments* even if it is brought to India on the very day that it is earned.

Mr. L. V. Heathcote : I stand corrected. I thank the Honourable the Finance Member for his statement.

Sir Cowasji Jehangir : Was not that point contested ? Was not there a difference of legal opinion on the point whether income from securities can be brought to India within three years without paying income-tax ? Or is it a perfectly clear point now ?

The Honourable Sir George Schuster : As far as I know it is a perfectly clear point. I am not aware that that particular point has ever been contested.

Sir Cowasji Jehangir : Is the Honourable Member unaware that it was once contested ? If the point is perfectly clear now, I have nothing more to say.

Mr. L. V. Heathcote : In that case the argument advanced by the Honourable the Finance Member seems a justification for the institution of the Bill to tax income arising from foreign investments and brought into India but only provided the administration can undertake its proper assessment. One of our strongest objections to the Bill is the fact that it is extraordinarily difficult to assess income arising abroad whether it remains abroad or whether it is brought into India : and, although we have been told that no new problems of administration will arise if this Bill is brought into law, and on the contrary that the administrative problems will be eased, I am not satisfied, and many others are not satisfied, that the existing problems of income-tax assessment are being handled as they should be. We wish to give no further scope for the evasion of income-tax in a manner which is rendered so easy by the institution of this nature.

Dealing with the Bill itself and particularly with clause 4 (c), which is the clause which allows the resident who is not domiciled in India to avoid the effect of this Bill, I think that it may assist matters if I try to make our position clear. If it had been the opinion of Members on the other side of the House that this Bill should be made law as it stands, British trading interests in India would not have refused benefits which would thereby accrue to them. But in the very difficult times through which we are passing, we have decided that we would not support the Government in forcing this clause through, if there was a clear feeling on the other side that with this discrimination it should not be passed. Having said that I think I am possibly entitled to clear up some of the misapprehensions which seem to rest with the other side of the House. The British are referred to as the only people, or mainly the only people, who will obtain a benefit from this Bill. That is by no means the case. There are large trading sections in India who come from Indian States. As an example, I may refer to Marwaris. Unless I am mistaken again, they will secure exactly the same benefits in the matter of avoiding taxation as the British. There are others in India, such as the Armenians and the Japanese. They also will avoid taxation if British interests avoid it. So, possibly, it is a little unfortunate that the only people who are supposed to benefit from this Bill are the British. There is, at least, an argument of some sort which justifies discrimination. There are many people who come out to India from England with private means. Those private means arose without any connection with India at all : and there might be some truth in the general statement that the class with private means is the class which it will be best for India to attract from England. But if they are to be taxed on their private means—not only on the means themselves, but so as to be rated at a higher rate of income-tax by the inclusion of these private means—, then certainly there will be greater difficulties in obtaining the right type of people from England to serve India. There is at least a section of Britishers in India to be found in the Army where private means is common among the officers, and it is not unlikely that the effect of the removal of this discrimination would be to make them pay in income-tax more than the salaries which they earn in India. If it were possible to devise a plan which differentiated between an income arising to a resident who is not domiciled in India and which had no connection with India and an income which accrued to a resident who is not domiciled in India and which had accrued to him from connection with India, then I feel that many Honourable Members on the other side of the House would be only too glad to give us the benefit of such

[Mr. L. V. Heathcote.]

discrimination. However, as the Government have clearly agreed to withdraw the discriminatory clause, should the Bill get as far as the Select Committee, there is no need for much more to be said with regard to discrimination.

A good deal has been said in regard to double taxation, and the Honourable the Finance Member made it quite clear that in so far as money is invested in England, the effect of this Bill on the capitalist in India who has invested his money in England will be *nil*. But he has put it in a way which would remove or appear to remove all the deficiencies in this respect which we see in this Bill. He told us that if, as a result of an investment of £20,000 in England, an income-tax of £200 was paid in England and £100 was paid in India, the Government of India would recover that £100 from the British Exchequer, but that, I am afraid, is not exactly what would happen. That unfortunate individual will have to pay his £200 in England and he will have to pay his £100 in India, and if he takes sufficient trouble and waits long enough, he will be able to get back the £100 from the British Government. But it is going to be a great bother and in the case of many people with possibly small incomes, they may not be in a position to worry the authorities sufficiently to obtain their legitimate claims. On that point at least the Honourable the Finance Member has created as great a misapprehension as he removed.

It was urged that trading advantages would result to sterling firms who trade in India as compared to Indian firms. But there, I think, there must be some mistake, because the sterling trading firm pays its income-tax in England, and in so far as the total taxation is concerned, I should imagine that it is at no advantage over an Indian concern trading in India. The objections which we take to this Bill are based upon the fact that it will secure very little money and it will not achieve the object which the Government have at heart in introducing this measure. It is the evasion which is certain to follow upon the introduction of this Bill which makes us strongly opposed to it.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : Mr. President, my Honourable friend the Finance Member at the end of his speech stated that he did not think that anybody looking at this Bill dispassionately could possibly think of opposing it. The Deputy President and Mr. Heathcote have given the answer, and I join them in whole-heartedly opposing the motion for reference of this Bill to the Select Committee. I am surprised that the Government of India should have elected to go on with the Bill in face of the very vehement opposition, not of capitalists or professional politicians or lawyers, but of the very people on whom they invariably in the past have been apt to lean. I do not think there has been any single Government measure which has encountered such stout opposition from those who may be regarded as the colleagues of the Government of India in the administration of the country, namely, the Provincial Governments and the district officers who form the backbone of the administration, as this measure. In the past we have known the Government of India to be unresponsive to opinion in this House and outside. I think this is the first time the Government of India have shown themselves to be unresponsive to the opinion of their own colleagues in the provinces, and of all those whom they have always regarded as infallible guides in matters of this description.

Before I come to the various objections which I have to the clauses of the Bill, there are three considerations of a general character which arise from this Bill on which I would like to dwell as briefly as possible. The Honourable the Finance Member both in the Statement of Objects and Reasons and in what he stated to the House this morning has tried to make out that this Bill is going to affect only a limited class of capitalists, only too anxious to take their investments out of this country, and therefore not entitled to the least sympathy at the hands of this House. I warn my Honourable friends on this side of the House not to be taken in by that plea. It is not merely the so-called limited capitalist class which makes investments in foreign bonds and in British securities that is going to be affected if this Bill becomes law, but there are thousands and thousands of small traders in various parts of India, not by any means confined to the Bombay Presidency, who have traded for generation upon generation with places outside British India long before the Income-tax Act was even thought of, who will suffer by this Bill. Their position is going to be affected very seriously. In the various papers which have been circulated to us you will find a representation from the Chettiyar community of South India who claim that they have for over a century traded with the Straits Settlements, Malay Peninsula, Ceylon and various other places, whose business is sorely afflicted as it is and who will be penalised equally with the so-called capitalists. I ask my Honourable friends to disabuse their minds of any idea that this Bill is going to affect a small class supposed not always to be influenced by considerations of patriotism or public good.

The second consideration which arises from the Statement of Objects and Reasons is that the law is sought to be brought into line with that obtaining in England. I have got a great deal to say about that argument. The House will remember that during the last Budget debate, I pointed out how the income-tax operated in England in favour of the small investor. I gave a list of various exemptions and I pointed out to the House that the small investor in England was a great deal better off than his counterpart in India. Then I raised the question of the carry forward of losses, which is admitted in England and other places, but which the Honourable the Finance Member has expressed his inability to admit in India because of financial considerations. My question is, if you are going to follow the English law and hold it up as a model and as one of the main reasons for the enactment of this measure, why is it that you are selecting exactly what suits you and you are not following the English law in all essential respects? I would draw the attention of my Honourable friends to an article in the *Statesman* of the 19th July. It says :

“ If the Finance Member were to give the small income-tax payer all the concessions which are made to him in England, he would, thanks to joint families and large families, not to mention plurality of wives, get considerably less revenue. When the treasury would suffer unduly there is no attempt to follow the English model. Therefore the argument for the English model where the treasury stands to gain loses force. The issue has to be considered on its merits.”

That much, Sir, for the argument that it is sought to bring the Indian law into line with the English law on the subject. But I would like to point out that there are special reasons why the English law is what it is. England being immensely rich cannot find profitable employment for all its capital in the country itself, and from time immemorial, at least after the industrial age came into existence, its capital has found employment in all parts of the world, and has found it very profitable too. It is natural that England, with such enormous capital all the time going out of the

[Mr. H. P. Mody.]

country for profitable employment in various parts of the world, should think it necessary to tax it. Those conditions do not exist here. Therefore to hold up before us the model of the English law is, I think, entirely irrelevant. But there is another point and it is this, that even the English law on the subject has not been followed in all respects. It is true that in England a man who is ordinarily resident, or what is the equivalent of domiciled, a man who is ordinarily resident pays generally on his income invested abroad, whether it is remitted to England or not. But a notable exception has been made, and it is that income from foreign possessions is exempted unless it is remitted to the country. Employment which is wholly outside the British Empire, trading which is wholly outside the British Empire, the profits accruing out of these, unless they are remitted to England are exempt from taxation. There is no such exemption in the measure which is placed before us. Let me read to you from the various opinions we have got on his particular aspect of the question. The Legal Remembrancer of the Punjab Government says :

“ On the question of principle the application of a law found suitable to a highly industrialised country is of doubtful expediency to an almost entirely agricultural province like the Punjab.”

And what applies to the Punjab in respect of its being an agricultural province can I think be more or less said to apply to the whole of India.

Now, Sir, the third argument and the strongest argument of the Finance Member is that it is necessary to prevent the flight of capital. I am surprised that the Finance Member should think that, because investments up to now have not been taxed in places outside British India, that is one of the principal reasons for capital going out of India. I will confront the Finance Member with the opinions found in practically every page of this file of opinions received from various Governments and officials. Everybody knows that the political and economic conditions of India have facilitated the flow of such capital as has actually gone out. I am afraid the inclination is to exaggerate the actual amount, but even assuming that capital has gone out of this country on any very considerable scale, the reasons certainly are not that there is no income-tax on investments abroad, but because the political and economic conditions of India are not at present favourable for the investment of capital ; and I may say that considering the various handicaps which trade and industry in India have to put up with—handicaps not altogether arising out of the world-wide trade depression, but peculiar to India,—I am not surprised that some part at least of the capital should go out from this country. My Honourable friend the Deputy President read out an extract this morning on more or less the same point. I should like to read out something which I think is even stronger, and that is the opinion of the Commissioner of the Bhagalpur Division. He says—and I am afraid with a little acerbity—

“ The most ignorant of us know perfectly well that the flow of money for investment outside India has very little to do with the income-tax but is mainly due to the lack of opportunity for profitable investment in the country and the shaken condition of India's credit.”

Sir, I am not arguing as to whether it is only the ignorant who do not know this, or whether people in exalted places do not know it. I am only concerned with this that your own officials—not one or two but a score—and various Provincial Governments, have stated deliberately that the

reason why capital is going out of India is because of the disturbed economic and political conditions in India. And, after all, I regard it as a very questionable policy that even if capital is going out of India you should seek by a statutory handicap to keep it in this country. I can quite agree with Government that every possible effort should be made to mobilise all the available resources of the country for the development of the country's trade and industries, but that is something very different from seeking to impose a positive handicap by statute upon capital going out of the country. I think that all of us sympathise with the very legitimate object that capital as far as possible should be mobilised in the service of Indian trade and industry, but we cannot deal with the matter by a statutory provision such as the one before us.

My Honourable friend the Finance Member this morning stated that one of the reasons why textile mills were going out of British India and were locating themselves in Indian States was that there is no income-tax to pay. I hope I am not doing him any injustice when I state the position so badly ; but if he really did say this and no more, then I am afraid he does not know the facts of the case. It is notorious that mills, and for the matter of that other industrial concerns, are going out of British India purely because labour conditions are much more favourable, labour is cheaper, taxation is much lighter, and what is more, the Government of India have never thought fit to impose on the Indian States all the obligations of labour conventions and conferences which have been imposed upon British India. I do not know, Sir, how far even the Factory Act is in operation in most places ; I do know of one or two places in the Indian States where a Factory Act more or less analogous to the Act in India does obtain. But I have reasons to say that so far as even factory legislation is concerned, the conditions in the Indian States are somewhat primitive. If there are these conditions which make for profitable working, and can you wonder that those who are confronted with high labour costs, high taxation and all sorts of labour legislation in British India should seek fields far out, and should go to the territories of the Indian States ? I say, Sir, that the Finance Member was altogether wrong in suggesting that Income-tax has had any influence in inducing people to go out into the Indian States and plant industrial concerns there.

These are the three general considerations which have been urged before us, and I hope I have shown that there is not the slightest justification for entertaining any one of them. I come now to the objections to the measure which I have, but before I deal with those, I would just like to have one point made clear. My Honourable friend stated this morning that if there was a feeling in this House that the most controversial clause in the measure should be altered and that the principle of discrimination should be done away with, he was prepared to have that examined in the Select Committee. Well, Sir, so far so good. What I want to know, however, is how he is going to deal with salaries paid out of British India. As I understand the position—and I shall ask my Honourable friend to correct me if I am wrong—at the present moment salaries paid out of British India are not subject to tax either in England or in India in most cases. As the Bill stands, it is intended that, so far as persons who are domiciled in this country are concerned, their salaries even if they are paid outside British India will be taxed. May I know from my Honourable friend if that statement is correct ? I take it that it is correct and so I will go on with my argument.

The Honourable Sir George Schuster : My Honourable friend must not take my silence as signifying assent to his proposition. But I would suggest that points of this kind are points to be taken in Select Committee and not on this motion when I am simply asking the House to accept a reference of this Bill to Select Committee.

Mr. H. P. Mody : I am thankful to my Honourable friend, even though he suggested that his silence was not to be construed as assent. I shall construe it as I like, and I hope he will forgive me for doing so. But I am grateful for his explanation, and what I want to say is that these are matters of importance and on them depends very much whether we are going to accord our sanction even to the principle of the Bill. And I want to know whether, if my reading of the Act is correct, he is going to do away with the principle of discrimination even in this particular ; because if he is not going to do so but is only going to deal with section 4, then I am afraid that it will become a matter of principle with some of my friends who at present seem inclined to send the Bill to the Select Committee. Considering that my Honourable friend is not disposed to be very communicative I shall not pause for an answer.

I will now come to the actual objections to the Bill, and I hope the Finance Member will not think that these are matters which should be threshed out in Select Committee. For one thing I am not on the Select Committee, and therefore I shall not have an opportunity of making such points as occur to me, and I am entitled, therefore, in fairness to myself at any rate, to make those points here.

An Honourable Member : We can add your name.

Mr. H. P. Mody : That is not wanted. Coming to the objections to the Bill, my first point is that the measure will lead to a lot of evasion. It may be a small point in some people's eyes ; to my way of thinking it is a very serious matter. Every one knows that the present number of assesseees to income-tax in the whole of British India is something which is ridiculously low. I feel that there are a great many people, perfectly honest, perfectly honourable, who regard it almost as a sort of religious duty to dodge the income-tax and to cheat the Government out of their exactions. I do not think it is thinking ill of humanity to suggest that there are many honourable men who do not scruple for one moment to try and get out of the clutches of the Income-tax Collector. If Government want more revenue, they ought surely to go to the people who are dodging them ; they ought to tighten up their control ; they ought to strengthen the agencies they have for ferreting out the people whose income ought to be taxed rather than come forward with proposals for fresh exactions on the very classes who are bearing the burden now. The position is that those people who are evading income-tax will continue to evade it, and to their list will be added a fresh number of people who are paying up now but who in view of the very exacting nature of the provisions which are sought to be translated into law will not disclose their foreign income, and there will be no means of checking it at all. In this connection I would like to refer to the opinion of another Commissioner of a Division who says .

“ All he can hope to do is to find out what income is received in the country. If this is the case, it must be admitted that the provisions of the Bill are quite unorthodox from a legislative point of view as well as entirely impractical as no adequate means can exist for enforcing them. All that could be hoped if the Bill were passed would be that the conscientious would pay and the unscrupulous would not.”

I leave it to the Government of India to say whether they actually suggest that the conscientious should go on paying, cheerfully submitting to the burdens which are being imposed upon them, year after year, and sometimes twice in the year, as is the case with this year, and the unscrupulous should go on escaping these burdens.

I come now to what I think is one of the principal objections to the Bill, and that is on the score of double taxation. In England where a person ordinarily resident cannot hope to escape paying income-tax, whether his investments are outside the country or not, he has this consolation that there are reciprocal arrangements with various countries which enable him to be saved from the imposition of double taxation. These reciprocal arrangements do not obtain in India, and I think, as has been stated in some opinion which I cannot lay my hands upon just now, the first step should have been to ascertain what countries were prepared to reciprocate with India in this matter before putting on what will undoubtedly be a source of double taxation for a great number of years to come; and I do not think it can be suggested that double taxation is a thing to which anybody can be asked cheerfully to assent.

But there is another point which has not been brought out and which possibly may not be brought out, for the simple reason that it is not in the materials that are before the House, and it is that if this Bill becomes law, Indian insurance companies will be hit in such a way as will seriously cripple them. The Indian Insurance Companies Association has submitted to the Government of India a very well argued memorandum showing how the measure is calculated to hit them. I think it is a matter of common knowledge, that insurance business has got to be international in character. It cannot be circumscribed within the country itself, and insurance risks have got to be spread out everywhere. The Indian insurance companies state that actually 60 per cent. of their revenue is derived from this re-insurance in foreign

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countries. What happens is this: they have reinsurances in the United States, in Canada, in France, in Germany, in England and various other places. Insurance companies which reinsure with foreign companies have got, by the laws of foreign countries, to place very large deposits there, either in the shape of securities of those countries or in the shape of deposits. What will be the position then? First of all, the Indian insurance companies will have to pay tax on such securities in foreign countries which they are bound to keep under the laws of those foreign countries; and they will also have to pay tax here. Then again their profits accruing in those foreign countries will have to pay tax under the laws of those countries, and they will again have to pay tax here under the present measure. Therefore, the insurance companies are justified in stating—and I do not think there is any exaggeration—that the Bill will pretty well kill all their enterprise and activity; and I want to ask the Government of India whether they seriously suggest that the Indian insurance companies should be allowed to be hit, when it should be the duty of everybody to foster what is undoubtedly to be regarded as a national industry.

Then, think of the handicap to trade and industry. My Honourable friend is continually suggesting, that it is only the capitalist class, sending out their investments abroad and earning interest, who are sought to be taxed. Why does he ignore or make light of this circumstance that there are thousands of people trading with Zanzibar, South Africa, East Africa, the Persian Gulf, the Straits Settlements, the Malaya Peninsula, Ceylon

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and places all over the world, who, if this measure is to become law, will have to bear a double burden of taxation. The Finance Member is not right in laying so much stress on investments outside. The case of these traders has got to be considered as even stronger than that of people who are merely sending out their money for investment in securities.

There is another point, and that is with regard to the investments of Indians in sterling securities. I do not know whether the object of the Finance Member is to discourage such investments. I think I am right in stating that a considerable portion of the money obtained for sterling securities recently has been obtained from the coffers of the people of India. These sterling securities have escaped taxation hitherto. You now propose to tax them. May I take it that it is your object to discourage investment in sterling securities, which, not only for the purpose of ordinary borrowing but for purposes of exchange operations you will have to float from time to time? If you will allow me a little personal note, I may say that I am on the Board of a bank which was perhaps the largest subscriber to the last sterling loan of the Government of India. I am also on the Board of a shipping company which has got very large investments in sterling securities. Is it intended that these and various other concerns similarly placed should go in for other kinds of investments? Does the Finance Member desire that sterling securities should no more be supported by the people of this country, because so far as I can see I cannot imagine anybody investing in sterling securities if he finds that the one advantage which there was before, namely, escaping income-tax, was going to be no longer there?

Then there are two or three small points : one of them is in connection with the difficulty which Government will experience in determining what is domicile and what is residence. They will have to determine that for various purposes. I do not know whether these questions which have troubled many countries are also going to trouble the Government of India, and whether the Government of India are going to undertake the expense and labour of determining such problems.

There is another very serious objection, namely, that we shall make it now possible for people to acquire domicile in Indian States, and outside British India in other parts of the world. It is common knowledge that many traders, in the Bombay Presidency at any rate, come from Indian States—Jamnagar, Cutch and various other places; they have lands there; they have businesses there; they have their families there and houses, and it will be easy for them to claim a domicile in those Indian States. It will be the easiest thing in the world to say that they are the domiciled residents of those Indian States. What will happen? Will you be keeping the wealth of British India in British India, or will you be driving it to the Indian States? Let me read, the opinion of the Commissioner, Central Division, Bombay Presidency :

“It would be equally impossible to find out what was the income in foreign territory of this kind and if there were any serious attempt to enforce the provisions of the Bill, it is probable that large numbers of the income-tax paying classes would establish their residences in such foreign territory and the result would be the exact opposite of that sought, *viz.*, it would drive capital out of British India rather than prevent that movement.”

Then, Sir, the Honourable the Finance Member made light of the argument that was advanced by certain people that the State was doing

nothing to protect or foster the trade and enterprise outside British India on which it is seeking to impose this tax, and he said that that argument was not worth consideration. I think, that argument is very well worth consideration, not because it comes from me,—of course I cannot hope that the Honourable the Finance Member will regard it seriously if it comes from me or any other Member but he will certainly regard it with respect if it comes from no less an authority than that of the Madras Government. The Madras Government say that they had received various opinions and they had classified them. One of them was :

“ that the taxing in India of income earned abroad without any assistance from the Government of India is unjust. The analogy with the English system is unsound, in that the Government of the United Kingdom contribute towards the protection of British trade the whole world over, and render political, commercial and financial assistance to such trade.”

And the Madras Government go on to say :

“ The Madras Government consider that there is much force in these criticisms, and endorse them for the consideration of the Government of India.”

Well, Sir, I have dealt with some of the objections. I could multiply them, but I shall not weary the House. All that I want to add is that there are various loopholes provided in this Bill, loopholes which have been referred to by the Commissioner of Income-tax, Burma, in a very able minute on the whole Bill, where he talks of certain taxes from income which are now derived by the Burma Government and which under this Bill will no longer be available. There is also the question of professional fees earned outside British India which may escape taxation, but it is not my purpose to take up every single point. All that I would like to say is that, in view of the fact there is no analogy between the English law and the Indian law, that no reasons have been shown why when the English law has not been followed in various other particulars it should be followed in this particular, that the flight of capital has got very little to do with the question of income-tax, that this Bill will affect not merely a small class of bloated capitalists but also a very large number of genuine traders in a small way of business, in view of all these circumstances, Mr. President, I feel that the Government have made out no case whatsoever for sending this Bill to the Select Committee.

I shall wind up, not by reiterating any opinion of my own, but an opinion which I think may be regarded as fairly authoritative, namely the opinion of the Commissioner of Income-tax, Burma. He says :

“ On the whole I am inclined to think that the Bill should be dropped because the change to a residence basis is unlikely owing to evasion to produce results worth the trouble. Increased hostility to this Department and consequent friction will be the first result of the change and under these conditions a Department is not likely to function with success. We shall also unfortunately be antagonising the very assesses on whom we can now depend for honest returns. And while the unscrupulous escape, the honest assessee who very often is the poor assessee will have claims for double income-tax relief which will cause more work than perhaps the revenue involved will justify. On the whole therefore as I see no great prospect of increased revenue I am not in favour of the Bill.”

Sir, I must apologise to the House for detaining it for over half an hour, which is rather unusual with me, but in view of the fact that I may not have another opportunity of placing my views before the House, I thought it necessary to express at some length the very strong objections I feel, objections which I happen to know are entertained by a

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large body of commercial opinion throughout the country. Sir, I stoutly oppose the motion to refer the Bill to the Select Committee.

Kunwar Hajee Ismail Ali Khan (Meerut Division : Muhammadan Rural) : Sir, I regret very much to open my mouth to oppose this Income-tax Bill. Much has been said in opposition by the previous speakers so there is very little left for me to say on this Bill. However, I will try to save myself from repeating the arguments. My reasons for opposition are as follows. First of all, Sir, at this juncture when the economic and political condition of this country is not very sound, every one of us will prefer to invest his capital in a foreign country and he will pay the tax there. It will be very unjust and unfair to charge the additional tax in this country, which will be a great hardship on our brethren who are doing business in foreign countries.

Secondly, Sir, this Bill is showing a certain amount of favouritism to a certain community who have much larger interests and capital investments in foreign countries. With your permission, Sir, I want to read to the House the opinion of two learned Judges of the Punjab High Court namely Mr. Justice Harrison and Mr. Justice Broadway. Mr. Justice Harrison says this :

"I do not think the qualification of domicile is sound. I do not see why non-domiciled businessmen, and more especially Jews, Greeks and Armenians who have made vast fortunes out of this country, should receive specially favourable treatment. If it is desired to temper the wind to the non-domiciled official, let all Government salaries be put in a specially favoured class as earned incomes—as pointed out by Goldstreams J. Not taxing over investments out of India is no doubt kindly meant but is an empty boon for none of us have any to speak of."

This is also supported by Mr. Justice Broadway. Sir, I feel that I shall be failing in my duty if I do not say a few words about the viewpoint of the agriculturists. In this connection it may be pointed out that agricultural income in British India is exempt from income-tax on the ground that it pays land revenue. The agricultural land owned by British subjects in Native States pays similar land revenue there and that income ought to be exempt from income-tax. For such income the expenses to be incurred are considerable, and the Act does not define those that are admissible and those that are not. It looks very objectionable to make a distinction between land in British India and that in the Indian States, especially in these days when we hear so much about the idea of federation. It is impossible to fix such taxable income accurately and the hardship involved in keeping and producing accounts is likely to harass those concerned. For the land a person owns in a British district he pays no income-tax, but only the land revenue, and for the land which he owns in an adjoining Native State he will have to pay income-tax even if the whole of the income after paying the land revenue assessed by the Native State is kept or used there. Such double taxation should not be allowed by a civilised Government. Moreover, such landowners are generally illiterate and do not keep any accounts, and in that case they will be assessed according to the estimate to be made by the Income-tax Officer, who will not take into account the expenses incurred in a tract of which he has no knowledge. There will be no appeal as no accounts will be produced, and such zemindars will be driven from pillar to post—I mean from the revenue officer's office to the income-tax officer's office and *vice versa*. I do not want to say anything more, but I appeal to the good sense of this House to reject this Bill *in toto*.

Mr. B. Das (Orissa Division : Non-Muhammadan) : When I came here this morning, I came with the positive idea that I should support this reference to a Select Committee. I was guided by the impression formed when the Bill was discussed last session on the floor of this House. Since then various things have happened. I must congratulate my Honourable friend, Kunwar Hajee Ismail Ali Khan, on his very able maiden speech, and I think he has played no small part in making me hesitant in my support for a reference to Select Committee. The speeches of my Honourable friend Mr. Deputy President and my Honourable friend Mr. Mody have done a good deal to outweigh the views that I formed when I entered the floor of this House. But one particular matter outweighs all considerations that my Honourable friends Messrs. Chetty and Mody have advanced, and it is this. I thought that this piece of legislation would do away with a certain racial discrimination that exists even in the taxation policy of the Government. The Honourable the Finance Member said that if the Select Committee did away with the idea of discrimination between residence and domicile, he would have no objection. What I want to know from him is this. Will he support that view in the Select Committee, and will the Government accept that decision ?

The Honourable Sir George Schuster : I have already said so.

Mr. B. Das : What I want to know is whether the Honourable the Finance Member would himself propose the deletion of this discrimination in the Bill ?

The Honourable Sir George Schuster : I am not quite sure what assurance my Honourable friend wants. I am perfectly prepared to give him any assurance which he can possibly want on that particular subject.

Mr. B. Das : I thank my Honourable friend. I am satisfied. I feel that the Honourable the Finance Member has given me a reply that he is whole-heartedly with me and this side of the House and that he will himself propose the deletion of this clause doing away with discriminating system of taxation. If that be so, I will support the motion. I have no objection if some stalwart Member will rise after me and draw the Honourable the Finance Member again into an argument and disprove what I have stated to be his view. As a member of the Indian mercantile community, I know the serious troubles that will come in the way. But as an Indian I feel that the State is losing money because certain people who are not residents here are evading payment, and even the Government officials are evading this taxation. For that one purpose I want to support a reference to Select Committee, but if I find in any subsequent speeches of the Honourable the Finance Member that he is half-hearted in his idea of deleting these clauses, then I may not support the idea of a Select Committee.

Rai Sahib Harbilas Sarda (Ajmer-Merwara : General) : Sir, I can very well understand the anxiety of the Honourable the Finance Member during this period of financial stringency to explore all avenues of adding to the revenues of the country. He has also our sympathy if he has been able to lay his hands on some kind of income which should, in all fairness, have been taxed and which so far has escaped taxation. The result of his efforts to find out such income is embodied in this Bill. As

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he comes before us and asks to accept his proposals and pass this Bill, we have to see whether he has been just and fair in his efforts to levy a tax on incomes which should have been taxed and which have so far escaped taxation.

There are two glaring defects in this Bill, and both of them have already been pointed out by my Honourable friends Messrs. Chetty and Mody, but I want to find out exactly how the thing stands so far as the Honourable the Finance Member is concerned. He has made all incomes from foreign investments held by people domiciled in India taxable, but he has omitted from this category incomes from foreign investments held by people resident in India but not domiciled in India. Is that omission due to an oversight, or is it because of a set purpose? If he has done it with a deliberate purpose, then he must explain to us why he has done that, why in this Bill he has not included the incomes from foreign investments of those who reside in India but who are not domiciled in India. But if it be due to an oversight or want of proper consideration given to this particular point, now that he knows that this point has been raised, the justice of which he must admit, let him give a clear assurance to this House that he is prepared to support an amendment to the Bill making all such incomes liable to income-tax. Let him in unequivocal terms say that he is willing to support an amendment making the incomes from foreign investments held by people not domiciled in India taxable under this Bill.

Another point is this. While he was exploring all avenues for adding to the revenues of this country, why did he omit to levy income-tax on salaries and pensions which are paid out of the revenues of India and which are paid for work done in India, but paid to people outside India? Sir, all pensions and salaries when paid out of the Indian Treasury are taxed at the source. Before a man gets his salary or his pension, the tax is collected. That being so, what objection could there be for deducting at the very source, moneys paid as salaries or pensions to people who do not reside in India. If a man goes to England and draws his salary there, he does not pay income-tax. The next month he draws his salary here and he pays the tax. Why is this anomalous position continued? At a time like this when all avenues of adding to the revenues have to be explored, why has the Finance Member not taken this into account? When several crores of rupees are paid every year on account of salaries and pensions, a very large amount of income could be collected by taxing the salaries and pensions paid to people out of the country. I should like to know his reasons for not doing it. There is no question of British income-tax involved in this. Even if it were so involved, why should not the Government of India fight it out and say plainly that they are entitled to deduct income-tax on these moneys before they are paid to people residing out of British India? If he answers these two questions satisfactorily and gives us an assurance that he is prepared to tax the salaries and pensions paid out of Indian revenues to people residing outside India and that he is willing to make the income from foreign investments held by people residing in India but not domiciled in India taxable under the Act, we will favourably consider the matter and support the motion before the House.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : I expected, after reading the opinions on this Bill, the Finance Member would himself withdraw the Bill and would not trouble the Assembly any more. I oppose this motion on two grounds, on the ground of expediency and on general grounds. Among the opinions, I entirely agree with the Secretary of the Bar Association at Johrat—who said, “ The Bill is inopportune when India is on the eve of constitutional changes and when India is expected to have a federal constitution and that it may be useful to leave the reformed legislatures to deal with this important subject ”. The Indian States are joining this federal system in the near future and it is desirable to treat the Indian States on the same footing as the provinces of British India. Now if these taxes are to be a central subject, then the taxes should be collected from all the units which form part of the federal system. Therefore, either the taxes should become a provincial subject, or the Indian States should also be included in their contribution to the Central Government. This is really a very important point, which will affect the entire policy of taxation, and it is not desirable to take up this very important question on the eve of our constitutional changes, as we do not know whether the Indian States should be treated as outside British India or should be included in British India as far as taxation is concerned.

Coming to the general grounds, I shall first tell a little anecdote. Two persons were fighting and a third man came along and gave them very noble advice, “ Please don't fight ”, but actually he got hold of the less favoured man and tied his hands and thus gave the opportunity to the other man to beat the less favoured man all the time. This is practically what the Finance Member is doing in this case. He has really given very noble advice that we ought to check the flight of Indian capital, but in actual practice he has crippled his less favoured friend the Indians.

Now, I first take up the case of the distinction between domiciled and non-domiciled residents in India. I do not dilate on this, as the Finance Member, in reply to Mr. B. Das, promised to withdraw the distinction altogether. In fact in the Round Table Conference the Members representing the Europeans in this country clearly said that they did not want any differential treatment. They ought to be treated like Indians in every respect. If they themselves do not desire this differential treatment, I do not see why the Finance Member, on the eve of constitutional changes, should produce a motion which does introduce this invidious distinction between the Europeans and Indians. I am open to correction, but I think the present Bill will provide a ready way to dodge the payment of income-tax. If I be an European in the Government service, I can manage to evade paying income-tax altogether. I would have asked the Government to pay my salary not in India but outside India, and therefore, according to the income-tax rule, this salary would not be taxed. Since the interest alone, if brought into this country, would be taxable. I would never bring my income into this country, but I would sell some of my securities and would bring the capital for my expenditure in this country. Therefore by having my salary paid in England and bringing to this country for my expenses not the income but the capital, I can manage to evade the payment of

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all income-tax in this country. I will be living in this country and pay no income-tax. By this process any person in Government service can evade payment of the income-tax both here and in his own country. I entirely sympathise with the Finance Member in his anxiety to raise the income of the Government of India, but the method he employs is open to serious objection. If he was really honest in raising the income, he would have taxed all payments made in England on account of pensions, salaries and other contributions. This particular source of income has never been tapped and he is trying to tap sources which practically would lose the credit of this country.

There is one other aspect which we should not entirely ignore. If India did not invest money in foreign countries, then the credit of India would be very much minimised and it would be exceedingly difficult for India to borrow in the open market. Now, the Finance Member will bear me out when I say that in the recent loan of 10 millions which he raised in England, he had a very great relief from the Indians. Had Indians not come forward to take up this sterling loan, the interest which India would have had to pay would have been increased. We were able to get very easily 10 million pounds at 6 per cent. interest. Had the Indians been handicapped from purchasing this loan on equal terms with the people of the countries, then it would have been very difficult for the Finance Member to collect this loan within a short period. The other day the Finance Member said that the credit of India was so low, that it was absolutely impossible for India to borrow money for the purchase of the B. N. W. Railway, which is really a paying concern. Today I find that he has succeeded in taking a loan of 10 million pounds not for any profitable purpose, but really for meeting the day to day expenses of the administration of the Government of India. When he could succeed in raising a sum of 10 million pounds for unprofitable purposes, he would certainly have been able to get a loan for the purchase of the B. N. W. Railway, which is paying a dividend of 18 per cent.

Sir, the question of domicile which has been discussed becomes very complicated when we consider the Indian States outside British India. There are many persons who are really domiciled in Indian States, but they carry on their trade in British India. If these people are exempted from income-tax, I am afraid most of the trade will pass out from the hands of British Indians to those belonging to the Indian States, and a large number of people will begin the dodge of disowning themselves from British India and establishing their connections in the Indian States. Now this particular question in fact will be automatically solved if we can wait for six months till the Round Table Conference has given its decision.

Sir, I shall just mention one or two minor points which ought to have been provided in this Bill, but nothing has been mentioned with reference thereto. Now, as pointed out by the Honourable the Deputy President, if a person borrows money from a bank in order to buy certain securities, the question arises whether this income from the securities will or will not be taxed. The second point is that if a man's income is derived from foreign countries, it is quite possible that in one case there may be a loss, while in another case there may be a gain,

and the net result may be a dead loss instead of a gain. Now the question arises whether the interest will be charged only in the case where there is a gain ; in other words, is it the case that the State is only interested in our good fortune, but it does not sympathise with us in our bad luck ? Will the State sympathise both in our good and bad luck, and will charge the tax on the net result, that is, the profit and loss taken together ?

Sir, as regards the principles of the Bill, I would ask three questions which I consider fundamental. In the first place, I would like to ask whether the Finance Member is prepared to disregard and to reject the invidious distinction between domicile and non-domicile. Now as regards this, I have got the answer that he is so prepared. I would then ask two more questions. Will it, or will it not, be open to the Select Committee to tax the salaries and pensions paid out of Indian revenues to people residing in England, that is outside India ? I would like to know before I vote whether the Committee will be able to charge income-tax on all pensions, on all salaries and on all interests paid outside British India. The last thing which I would like to know is whether it would be open to the Select Committee to charge income-tax on the interest of all the securities in rupees or sterling, whether they are held by British Indians or by other persons. Now these are the three fundamental questions, and if they are not open to the Select Committee to discuss, then I say it is useless to appoint a Select Committee, because these fundamental things will not be open to them ; and I will just finish by saying that we ought to adopt a more direct method for stopping the flight of capital from this country than the present method suggested by the Honourable the Finance Member which, as has been repeatedly pointed out by several speakers and the large number of persons who have submitted their opinions, will really constitute a tax only on honest persons, and that all the persons who are really clever will be able to evade the tax. I have already given one example by which payment of income-tax can be avoided.

Mr. N. N. Anklesaria (Bombay Northern Division : Non-Muhamadan Rural) : Sir, I am in entire agreement with the principle of the Bill. But I confess I have got very serious doubts about the present time being opportune for putting such a very important and controversial measure on the Statute-book, more especially in face of the very substantial and solid opinion of the various Governments, Associations and individuals who have expressed their views. The Honourable the Finance Member told us that he and his colleagues would be sufferers by this Bill. That, Sir, only goes to show that the Honourable the Finance Member's sole thought and sole concern in connection with measures which are brought before this House has been the interests of Indian revenues, but I submit there are higher things, more important things than the interests of Indian revenues. It is surprising how solidly and how substantially the opinion which has been elicited on this Bill is against this Bill. Of the nine Governors' Provinces, six are against it, and of the Minor Administrations also there are more than one who have got nothing to say in its favour. The income-tax is a particularly unpopular tax, and we have strained the principle of the equality of burden or sacrifice to breaking point against the trading classes of India—only at the last session we increased the rates of income-tax.

[Mr. N. N. Anklesaria.]

Sir, this Bill has been creating serious discontent among the trading classes of Guzerat, which is my constituency. I speak from personal knowledge, and I would appeal to the Honourable the Finance Member to postpone consideration of this Bill to a more opportune time so that that discontent may not turn into disaffection. Then I ask, Sir, is it worthwhile to incur the risk of such serious trouble? I submit respectfully, not; and I think only a cursory examination of the Objects and Reasons appended to the Bill and of those stated by the Honourable Finance Member in his speech will completely bear me out. It is said, Sir, that on account of this particular lacuna in the present Act capital is flying away from India to foreign countries. It is then said, Sir, that this flight of capital can be checked by the present Bill. Thirdly, Sir, it is said that there is nothing novel about this Bill and it follows the English law on the subject. And, fourthly, it is said that the Bill will bring substantial revenues to the exchequer. As regards the first point, I doubt very much that the flight of capital is due to the present income-tax alone. Sir, if I take away my ginning or pressing factory to the neighbouring Native State of Baroda, it is not because of the present Income-tax Act, because there is a similar Income-tax Act in the State of Baroda also. It is because the factory legislation there is less galling and less oppressive. Sir, I take away my money-lending business to the Native State not because of the Indian Income-tax Act, but because there is no D. A. R. Act in the Native State. Sir, I invest my savings in foreign securities, not because of the Indian Income-tax Act alone, but because I get a better return and I feel that my money is more safe in foreign investments than it is in India. On this point, Sir, the Commissioner of the Central Division of the Bombay Presidency, Mr. Smart, has put his views in a very succinct and convincing form. I will not read it out because the printed papers are in the hands of every Honourable Member in the House. Then, it is said that the flight of capital to foreign countries will be checked by this measure. I doubt that view and this is also the opinion of many competent authorities who have expressed their views on the subject. My reasons are two-fold for saying why the flight of capital will not be checked by this measure. Firstly, there can be found so many loopholes for evasion in the present measure and, secondly, not only the flight of capital will not be checked, but I think there will soon be a flight of capitalists themselves from British India to Native States and other foreign countries, as has actually happened during the last couple of years. I can cite instances within my knowledge where ginning and pressing factories have been taken away from British territory to the neighbouring Native States which are only separated from the British territory by a railway track—a distance of 50 yards only.

Then, Sir, it is said that the Bill follows only the British law. I say that that is not a valid reason for the enactment of the Bill into law. In the second place, I maintain that India is not England. They do not have in England a large class of people, I mean the Native States people, who can easily evade with impunity the tax. Then, I say, Sir, that if the English law on the subject is to be the model, that model should be followed in its entirety. There are allowances in English law in respect of the wife, children, house-keepers, dependent relatives, age and so on. If the English law is to be followed, why should we not get the same privi-

leges ? Lastly, Sir, I submit that the Bill as framed gives scope for many loopholes for evasion. It is in the nature of things and no human ingenuity could possibly prevent these evasions. Unless the Bill is minutely and oppressively "extensive", it cannot possibly stop evasion. Take, for instance, the taxation of the earnings of the British officials. I submit it will be manifestly unjust to tax the savings of the British officials from their Indian salaries which are invested in foreign countries. But if you let go the British officials, you are bound also to let go the British traders, the Japanese traders and other foreign traders who are trading in this country, including the large class of people who can resort to the Native States for evasion. Then, Sir, we have got several foreign companies which are trading in India. Take, for instance, the Ralli Brothers. It will be manifestly unjust to tax the Ralli Brothers in respect of the earnings made outside India and not brought into British India. But if you let go the Ralli Brothers by retaining the domicile provision people can easily evade the payment of the income-tax by forming one man companies and making their headquarters in a neighbouring Native State, with some figurehead as the managing director of the concern. I submit therefore that the utility of the Bill is of a doubtful character and it had better be dropped till more opportune times. I will appeal to the Honourable the Finance Minister to stay his hand at least till the next session of the Assembly and thus add to his popularity, popularity such as, I am happy to say, has not been acquired by any of his predecessors.

Mr. Jagan Nath Aggarwal (Jullundur Division : Non-Muhammadan) : When the Honourable the Finance Member introduced the Budget, we were promised legislation to prevent the flight of capital. It was a very admirable sentiment. At that time most of us looked upon it with great admiration. All of us welcomed the suggestion that the flight of capital, which we understood at that time to mean investment in foreign securities by persons in this country, would be prevented. We had our doubts at the time whether it was possible for the Finance Member of the Government of India or, for the matter of that, any Finance Member to compel persons to invest money in some particular concerns, but since the Finance Member promised legislation on the subject, we all welcomed it. But as time has passed and as the scope of legislation has come to be examined, doubts have arisen in various quarters, and I can safely say from the opinions received outside the House and inside the House that this measure has been assailed practically from every quarter. It is well, therefore, to look at this measure dispassionately to see why it is that this change of opinion has come about. Originally we thought this measure was to be confined to securities and shares, but we now find that it is aimed at business as well. A question was put in the earlier part of the debate which the Honourable the Finance Member, according to my humble way of looking at it, has not answered satisfactorily. The Indian scheme of Income-tax Act is distinct from the English one where residence is the test. Under the Income-tax Act, we tax income which has accrued or arisen in this country or which has been received in this country. Just look at it. The idea is if any person enjoys an income in this country, he is to be taxed, no matter whether he is a foreigner, an Armenian or a Jew or any foreigner resident in this country or a domiciled subject of this country, and his income is to be taxed for a very good reason. There was a time when in this country all kinds of foreigners could come and make profits and go away. Therefore, as distinct from the English

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practice, the Indian law took up the line that it is only the locality of income that we have to look to for purposes of taxation. This section was subjected to very severe strain in a case in my own province. It was the case of a certain contractor who made money in Baluchistan to which the Indian Income-tax Act did not apply, when he received considerable money in that province and then brought it over to the Punjab. The question arose whether the profits received by such person outside the area where the Income-tax Act was operative and then brought to the Punjab were to be taxed. That was the case which my Honourable friend Sir Cowasji Jehangir had in mind and that case was ultimately decided in favour of the assessee, namely that that income could not be taxed having been received outside the area in which the Income-tax Act applied. Even though the profits were subsequently brought into this province, he could not be assessed as if he had received his income here a second time. Therefore that income was held to be exempt from taxation. As a result of this, the Act was amended in section 4 (2) to this extent, that profits and gains will be deemed to have been received in this country if they are profits of a business and are received within three years from the last day of the year in which they accrued. The modification of that rule means that profits which accrue outside will be taxed in this country to this extent only that they must be profits of business carried on outside and if they are brought in within three years, the idea being that after three years they become capital. Now, we are departing from this basis and we are now embarking upon this new scheme of taxation that we are going to tax on the basis not of the locality of the income but on the status of persons who are in this country. I use this phrase advisedly, "who are in this country". As the Bill stands at present, it appears that a very invidious distinction is made in the case of persons who are only residents in this country but who are not domiciled in this country. Persons who are residents and who are domiciled in this country, wherever their income may accrue, whether in a foreign country or by holding land or carrying on trade or from securities, they are all roped in. With regard to persons who are only residents but who are not domiciled, they are left severely alone and incomes in this country alone are taxed. That, I submit, is a very invidious distinction on which the opinions received from various parts of the country have laid stress, though we are promised they will be subject to revision in the Select Committee.

Leaving that aside, there are very many contentious points that arise in this Bill which call for enquiry. First, I may point out that so far as the analogy of English law is to be applied to this subject, I submit we are entirely mistaken. Under the English law, so far as the foreign

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possessions of a person are concerned, if a person is resident and domiciled, you tax only his income from shares and securities and not from business or lands. In this aspect the Honourable the Finance Member has gone wide of the mark. Let me point out that it is so. The idea originally was that we were to prevent persons from making investments in foreign countries, in securities, shares and so on. That was the idea. If I may say so, that seems to have been dropped. Of late people have been making investments in foreign countries in stocks, shares and securities, and I do not know the extent to which capital, that shy bird which is very often hiding in this country, has taken flight abroad. It is very difficult to catch this bird "capital" and keep

it in the country. Still if the Honourable the Finance Member has thought that capital was going abroad, then my submission is, it is not because of the Income-tax law. Capital has been flying to the United States and to Wall Street from all over Europe because of the huge fluctuations in prices. Yet no European country has thought fit to stop the flight of capital by a legislative measure like this. At any rate, we will examine the proposition whether under the English law—that was the stand taken by the Honourable the Finance Member—he was justified in going into this question and roping in not only persons who have invested in securities, but also in foreign possessions, *e.g.*, lands and business, etc. Let me point out that all that we are concerned with at present is to see if there is any justification for taxing a man who not only invests in securities and thus gains unearned income, but also invests in foreign possessions, lands and so on. The Honourable the Finance Member jumps at this latter class also. What is the justification for our taxing a man who takes his goods into a Native State and carries on business and for all practical purposes gets the protection of the law of the State where he is and gets no protection from British India whatever? That is a proposition which I propose to examine at the outset. Does the English law offer a precedent for it? I turn to Law of Income-tax by Konstam, where at page 221, it is said :

“ With regard to the income from, first, securities, and secondly, stocks, shares and rents, it depends on the status of the recipient or on the distinction between residence and ordinary residence, whether the whole of the income is charged with the tax, or only that portion which is brought to the United Kingdom, that is to say, it depends on the recipient being a British subject or being domiciled or residing or being ordinarily resident in this country.”

Then, at page 223, it goes on :

“ The income of a person residing in this country from possessions out of the United Kingdom (other than securities or stocks, shares and rents) is charged only to the extent to which it is received in this country.”

Again at page 232, he says :

“ Apart from stocks, shares and rents, the most important kind of income arising from possessions out of the United Kingdom, which is charged under Case V, is the profits of a trade or of an interest in a trade, which is owned by an individual or a company residing in the United Kingdom, but which is in no sense carried on in this country. The tax in such a case is charged, not on the whole income, but on the actual sums annually received in this country.”

Therefore so far as any help is to be derived from the analogy of English law, I submit the Bill goes far beyond the immediate object we have in view. There is no justification to tax people whose business is outside or who, for reasons best known to themselves, do not choose to avail themselves of the protection of the laws of this land. If they go into a Native State and carry on business there, I do not see why we should tax them here. On the contrary, look at the proposition from another point of view. Persons, who are residents making money in this country in business and in professions whose payments may be made outside the country and whose investments may be made outside the country, are left severely alone. I would therefore say that this Bill attempts to rope in the wrong man and it leaves out persons whom it ought to rope in.

Then, Sir, it has been pointed out with great force that this is hardly the time at which to enter on legislation like this, and for a very good reason. There may soon be a time when possibly legislation in this matter may be undertaken here with regard to incomes arising in the Native States as well. Before that time, it is certainly odd to be taxing

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 people for incomes which they may make in the Native States without any system of reciprocity by means of which we may be able to give them relief from double income-tax as is the case in English law or in some other countries with whom we may have reciprocity. We have not been shown any estimates of the extent to which revenue is going to profit from this source, but as things stand at present it has been pointed out to the Finance Member that we have various lacunæ in the Act and he could safely block in those passages through which income is leaking. For instance, all securities of the Government of India either in this country or in England which at present escape income-tax can be roped in. Similarly salaries paid outside India can be roped in. And one of the unfortunate effects and dangers of a measure like this is that we may be putting the axe at the root of capital and by encouraging the distinction between residence and domicile we may not only be sending capital away but people may be encouraged to look to the Native States as places where they are domiciled and residence in this country as merely temporary. In this connection I could read out a host of opinions which would amply repay perusal, but on page 51 we have the opinion of the Commissioner of the Ambala Division of the Punjab, from which I will venture to quote an extract or two. He says :

“ No estimates have been prepared to show the extent to which Indian income-tax and super-tax suffer as a result of the alleged flow of capital out of India, nor have any figures been supplied to indicate the extent to which the alleged flow will be stayed as a result of this special measure. Nor is there any valid proof of the obvious implication that the capital to be thus detained in India can, with equal profit and equal security be invested in this country. The measure has thus perforce to be looked upon merely as a measure of taxation and of taxation alone.

If additional funds are needed this source of additional income must be tapped but the proposed Bill carries with it the grave risk of taxing capital out of existence. It will not be sent out of India to avoid the extra taxation and it will not be invested in India and the result may be serious financial deterioration. The main difficulty in India is not that capital is invested outside India but that it is not invested at all. Capital in this country is shy and buries itself in cheap silver bangles. If the Bill is passed the country may probably have more hoardings but certainly not more income.

The existence of a certain amount of untaxed income is, theories notwithstanding, a source of strength and not of weakness to a country and it should appear to be very unwise for the sake of some additional income-tax and super-tax to drive the recipients of these untaxed incomes into ways of dealing with their capital that may render it idle. Large incomes must pay large income-taxes but no legislature would be justified in laying the axe at the very root of large incomes.”

I therefore suggest that the time is hardly opportune and the scope of the Bill is certainly very wide of the mark, and the Bill should therefore be withdrawn.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I have been carefully listening to the arguments which have been adduced to oppose the Bill going to the Select Committee and to throw it out at the initial stage. I have not been impressed by any of the arguments that have been adduced in this connection. I fail to understand how an Indian and a nationalist Indian can be opposed to a very fair and reasonable Bill like the present one. Income-tax is one of the most equitable taxes in the world. It is only people with large incomes who are going to be taxed, and if for the revenues of the country it is necessary to tax any people, it must be the commercial magnates of the country and not the poorly paid clerks, and menials for which the Retrenchment Committee has been started. Sir, I am sorry that there has

been opposition to the well-intentioned provisions of this Bill. Any one who knows the Honourable the Finance Member knows his anxiety to benefit the people of this country, and must be careful before offering any opposition to such a Bill which wants to bring in more revenues at the present time. The times are now very critical, the finances of Government are at a deficit and money has to be found. From whom are you going to find this money? Are you going to find that money by dismissing or discharging the poorly paid clerks and menials only and not touching those who are able to pay, people whose incomes can be counted not in five or six figures but in seven and eight? Sir, I beg to submit that what the Honourable the Finance Member has been pleased to ask us to examine the provisions of the Bill. He does not say that he is a perfect man and that his Bill does not contain any defects, but if there are any defects, go with him to the Select Committee, convince him and others who are there and bring out a good Bill. In this connection I beg to read only one observation for my Indian friends on this side of the House which will convince them what is the opinion of the country and what is the opinion of the nationalists in India about this Bill. It is the opinion of the Bengal National Chamber of Commerce, on page 72. They say :

“ In the opinion of the Committee the adoption of some statutory measure to realise the desired ends in view merits approval and is in fact called for to check the flow of capital outside India, which is obviously detrimental to the economic interests of the country where ample scope should be available for the absorption of such funds seeking investment and also for the purpose of augmenting the revenue resources of the Government which have been seriously affected by the prolonged trade depression and have been fast dwindling away.”

If you really have the interest of your motherland at heart you ought seriously to bestow your attention to this subject. You ought not to be guided by the principle of looking to your own pocket and seeing that it is not affected. If you do that, I may warn you that the time is coming when you will have no income at all. The hungry millions will take away from you what you have got unless you give a little bit to the Finance Member who is asking you in all fairness to give it. And after all, as I was submitting, what is it that the Finance Member has asked for? He has asked you to consider the Bill and to accept the principle of the Bill. If you say that you do not accept the principle of the Bill, I will tell you that you are not serving the best interests of your motherland. The Bill wants to prevent the flow of capital outside India and the Bill wants to tax incomes which were not taxable hitherto and thus relieve the finances of the country from its present depressing condition. That being so, as reasonable men we ought to sit in Committee and see if there is any defect in the Bill and then improve it. But to oppose its reference to Select Committee and not to accept the principle is going against the interests of the country. With these remarks I beg to support this Bill whole-heartedly.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, at this late hour I do not wish to speak for very long ; but I wish to recapitulate a few facts and leave the Members on both sides of the House to exercise their judgment. I have been in this House ever since its inception in 1921. There has been Bill after Bill referred to the provinces for opinion in which the opinions were divided, sometimes in favour and sometimes against it ; but I can assure the House that there has not been a single Government Bill during the life of this Assembly and of its predecessors in which the provinces and the

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people have combined with such a singular unanimity in opposing it. The Government always rely upon the opinions of the provinces, and when this Bill was circulated to the provinces, it was circulated for the purpose of sounding the opinion of the provinces with a view to enable the Government to make up their mind as to whether they should or should not proceed with the measure.

Now, what are the opinions of the provinces? The Honourable the Finance Member in his opening address today told us that the provinces are opposed to this measure, but he might have gone further and told us with what unanimity the provinces have opposed this measure. Take that oldest of all provinces, the Presidency of Madras; and here I would like Honourable Members to hear what His Excellency the Governor in Council of Madras has got to say on this important measure.

Mr. Amar Nath Dutt: Any patriots or any Congressmen?

Sir Hari Singh Gour: I am coming to the patriots and Congressmen next. The Government of Madras sum up the situation in the following words:

“It will be observed that the provisions of the Bill have been strongly criticised by most of the authorities who were consulted. The more important of the points urged against the Bill are:—

- (1) that it will not prevent the flight of capital from India; and in any case restrictions upon the free movement of Indian capital are unnecessary and unjustified;
- (2) that it makes no provision for dealing with the problems of double or multiple taxation on the same income;
- (3) that it introduces the principle of differentiation between two classes of persons for purposes of taxation of their foreign incomes;
- (4) that a tax on foreign incomes will be easy of evasion and will merely mean an additional burden upon the comparatively few honest men who bear the main burden of the existing income-tax; and
- (5) that the taxing in India of income earned abroad without any assistance from the Government of India is unjust. The analogy with the English system is unsound, in that the Government of the United Kingdom contribute towards the protection of British trade the whole world over, and render political, commercial and financial assistance to such trade.

The Madras Government consider that there is much force in these criticisms and endorse them for the consideration of the Government of India.”

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

This is a pronouncedly emphatic opinion against this Bill; and if that be all I would ask Honourable Members occupying the Treasury Benches to pause and consider. But that is not all for we find the other two Presidency Governments of Bombay and Bengal reinforcing the decision of the Madras Government. I feel that we stand here on stronger ground because it is one of those measures in which the Government and the people are united in opposing its further progress. Let me give to Honourable Members the opinion of the Bombay Government. They say on page 26:

“I am instructed to draw particular attention to the reasoned statements of the Commissioner, Central Division, and of the Bombay Millowners' Association and to say that the Government of Bombay, while unable to go in detail into the merits of the proposed amendments, are impressed by the arguments therein adduced, and fear

that the loopholes for evasion are so many that the main provisions would be unworkable."

Then, listen, what does the Government of Bengal say on the subject ? They say :

"The Government of Bengal would draw particular attention to the serious objections to the Bill raised in the letter of the Bengal Chamber of Commerce."

I need hardly point out that the Bengal Chamber of Commerce have seriously criticised the Bill upon the grounds adverted to by the Government of Madras.

I do not wish to take up much of the time of the House : I shall rest content with informing this House that not only the Presidency Governors but the Provincial Governments have all combined in opposing this measure. If that were all, I should say it would be enough as far as the Government were concerned. But all the other constituted bodies in India, the large trade associations, both European and Indian, I find, with a singular unanimity opposed to this measure. We have the United Provinces Chamber of Commerce ; we have the Indian Merchants' Chamber—though they accept the principle, they attack so many of its details that there is nothing of the Bill left after their criticism of the details but the brown paper it was printed on. Then we have the Grain Merchants' Association, the Karachi Chambers of Commerce, European and Indian, the Ahmedabad Millowners' Association ; the Indian Society of Accountants and Auditors, the South India Chamber of Commerce ; the Bombay Shroffs' Association, the Buyers and Shippers' Association, the Bombay Shareholders' Association—every one of them condemns this measure on the ground that it is bad in principle and unworkable in practice.

This unanimity of opinion ought to have weighed with the Honourable the Finance Member and I still ask him to reconsider his decision to push on with this measure in the teeth of such overwhelming opinion against its further progress. If this measure had been introduced in normal times, when the constitution of this country was not on the anvil, I should have considered the opposition of the provinces and of the people sufficient to throw out this measure. But we have on the present occasion an additional reason why this House should hesitate to commit itself to the novel principle which the Honourable the Finance Member wishes to embody in this enactment. It has been pointed out by the Governor of a province and also by an Association that at a time when the whole constitution of India is in the melting pot it would be inadvisable to proceed with this measure which might interfere with the development of a federal constitution in the country. At page 33 I find the following statement made by the Karachi Indian Merchants' Chamber :

"Since the Indian Constitution is being framed on Federal lines, the relations of British India and Indian States will have to be adjusted in many ways. As this Bill would affect the subjects of Indian States in British India its consideration may be postponed till the new constitution is definitely outlined."

Now, this statement is borne out by the view of the Governor of the Central Provinces, and this is what he says at page 78 of the Opinions :

"In view of the general opposition that the Bill is likely to arouse, he is of opinion that the decision on this point might be deferred until the nature of the reforms likely to result from the approaching Round Table Conference is more accurately known."

I therefore submit, Sir, that this is an inopportune time for the introduction of this highly controversial measure.

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I now pass on to the next point. Is it a controversial measure, or if it is a controversial measure, is it supported by any precedent in the history of income-tax in the world? On this point I wish to draw the attention of the Honourable the Finance Member to what is said by one of his own Commissioners of Income-tax. This is what he says on page 68. Referring to the Statement of Objects and Reasons that this measure is on the lines of the English Income-tax Act, the Commissioner of Income-tax, Burma, says this :

"The person from abroad who stays more than six months in one year in the United Kingdom is considered to be 'resident' in the United Kingdom but not 'ordinary resident'. He is taxed only on so much of his foreign income as he brings into the United Kingdom. The non-domicile resident is in the same position. The British subject who is ordinarily resident is taxed on the whole of his foreign income whether he brings it into the United Kingdom or not. To this there is only one exception and that is income from 'foreign possessions'. Employment wholly abroad or a business carried on wholly abroad have been held to be 'foreign possessions'. Of the income from a 'foreign possession' only the amount brought into the United Kingdom is taxed. Now in the present Bill this concession in respect of income from 'foreign possessions' is not given to the domiciled resident. Nor is there any distinction between persons who are resident and persons who are ordinarily resident. And the non-domiciled resident gets more favourable treatment as compared with the domiciled resident than the English law gives him. These are matters in respect of which the Bill might be amended if it is to follow the lines of the English law. There is one very great advantage in adhering as closely as possible to the English law and that is the great body of decided cases."

So, Sir, so far as the reference to the English law is concerned, we have the weighty pronouncement of the Commissioner of Income-tax, Burma, that that law has been departed from and is not being followed in the measure under reference.

Then, Sir, it has been pointed out by numerous bodies and associations that this measure would be unworkable. Let me give you two considered opinions on that subject. At page 30 of these opinions, we read the following statement of the Karachi Chamber of Commerce, supported, as I shall presently point out, by a high official of Government. This is what the Karachi Chamber says :

"That in the opinion of this Chamber the Bill should be opposed on the ground that it will not be workable in practice."

And this opinion is echoed by no less an authority than the Commissioner of Income-tax of Assam. At page 90 he says this :

"The tax will fall on the honest and be avoided by the unscrupulous. In my opinion the distinction between residence and domicile should be dropped."

On another page we have exactly the same opinion given by Mr. Clayton, whose view has been endorsed by the Government of Bombay. He says that all that could be hoped if the Bill were passed would be that the conscientious would pay and the unscrupulous would not. That is the opinion of Mr. Clayton, Commissioner of the Central Division, and his opinion, as I said, has been endorsed by the Bombay Government.

(At this stage Mr. President resumed the Chair.)

Now, Sir, I submit that we have conclusively shown that this measure, which is opposed by the Local Governments and also by a large body of associations throughout the country, is not a measure which the Government can logically push on with in the teeth of such widespread and, I may submit, universal opposition. In the second

place, I submit this is an inopportune time to launch upon a measure of such a highly controversial character. In the third place, I submit this measure is unprecedented, and instead of following the English law, it makes a notable departure from that law. In the fourth place, I submit that this law would be unworkable and will set a premium on dishonesty and evasion, and lastly, Sir, I wish to draw the attention of Honourable Members to what is said by the Southern India Chamber of Commerce. At page 59 we find they say this :

“ As far as South India is concerned, the outward movement of Indian capital has been in the shape of business chiefly of Nattukotti Chettiyars and Tamil Mahomedans in such places as Federated Malay States, Straits Settlements, Ceylon, French Cochin, China and so on. That is due to the traditional enterprising spirit of those people rather than to any desire to escape payment of tax in British India. Their business has been carried on in those places for not less than a century now, and there is no evidence of money leaving this country in recent years.”

I therefore submit, Sir, that this is a measure which will hit these hard working poor traders overseas, and traders, if we had a national Government of our own, whom we would have subsidised. Do we not know that the Imperial Government of Japan subsidises all its overseas traders ? Do we not know that all countries in the world for the purposes of fostering their industries and expanding their trade subsidise their overseas trade ? Instead of subsidising them, you are going to penalise them. Is this the object for which you have brought forward this measure to thwart all industries, to destroy all enterprise, to penalise the poor traders overseas ? Only the other day the Honourable the Home Member published the provisional conclusions of the Census Commissioner's Report in which he points out that of all countries in the world the population of India had increased by 10.2 per cent. and that there has been an accession of 31 million of population within the last decade, and Mr. Findlay Shirras also says in his articles in the *Times of India* that India must now be classed as an over-populated country. Sir, the least service that you can do is to help your countrymen to go overseas and make their living. The worst service you can do is to penalise them. It rests with you to do the one or the other. (Cheers.)

Mr. Arthur Moore (Bengal : European) : I move that the question be now put.

Mr. President : I think it would be best to ask the House to decide whether they wish to carry the debate to another day or vote to-day. I will therefore put the question. The question is that the question be now put.

(Cries of “ Ayes ” and “ Noes ”.)

Mr. S. C. Mitra : I claim a division. So many Members have spoken against the Bill, but there has been no speech on the other side. There may be people who would like to speak in favour of the Bill.

Sir Cowasji Jehangir : I do not know whether you want the House to divide on this question like this. I would submit there are one or two speakers who want to speak, and if they are allowed to speak, we can go to the vote to-day and finish the business.

(An Honourable Member : “ It will be too late.”)

Mr. President : I have asked the view of the House and a division has been asked for. I do not know on what grounds the Honourable Member, Sir Cowasji Jehangir, thinks that there are only one or two other speakers. Before the closure was asked, I looked up all parts of the House. I was just going to ask the Honourable the Finance Member to reply. In the meantime closure was asked, and I thought that I might consult the House as to whether they wished to go to vote to-day or whether they wanted to adjourn the business to another day. I am in the hands of the House and they may decide as they please. But there is one aspect which appeals to me. This is a taxation Bill and I for one would not like to deprive any Honourable Member of the opportunity of addressing the House on it. (Hear, hear.) It was only when I thought that the whole House was agreed that we should now go to vote that I accepted the closure. If there is any feeling in the House that we should not go to vote to-day, I shall conform to their wishes and adjourn the House. But I ask Honourable Members to make up their minds as to what they desire. In order to save the time of the House, I will ask all those Honourable Members who desire to adjourn and carry the debate over to another day to rise in their places.

(A number of Honourable Members rose in their places.)

I see that there is a substantial minority which desires to carry over the proceedings to another day. I respect their wishes and adjourn further consideration of this Bill to another day. I now adjourn the House till 11 o'clock to-morrow for non-official business.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 10th September, 1931.

LEGISLATIVE ASSEMBLY.

Thursday, 10th September, 1931.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN.

Mr. Rahimtoola M. Chinoy, M.L.A. (Bombay City : Muhammadan Urban).

QUESTIONS AND ANSWERS.

DETENTION UNDER REGULATION III OF 1818 OF MR. AZIZ HINDI OF AMRITSAR.

100. ***Sardar Sant Singh** : (a) Will Government be pleased to state the number of persons detained under Regulation III of 1818 ; the period of detention undergone, and the allowance granted to these detenues and their families ?

(b) When do Government intend to release each of these detenues ?

(c) Is it a fact that one Mr. Aziz Hindi of Amritsar is being detained under this Regulation in Multan Jail ?

(d) If so, will Government be pleased to state the charge against Mr. Aziz Hindi ?

(e) Is it a fact that Mr. Aziz Hindi was the only earning member of his family ? If so, how many members of his family depended on his earnings ?

(f) What is the allowance sanctioned for Mr. Aziz Hindi and what is the amount sanctioned for his family ? Has this allowance been paid and accepted by the detainee and his family ? If not, why not ?

(g) Is it a fact that since Mr. Aziz Hindi's detention his family has been compelled to sell two houses for their family expenses ?

(h) Is it a fact that Government's offer of Rs. 60 per month has been declined by the detainee and his family ? How much allowance Mr. Aziz Hindi gets in Jail for his expenses from his family ?

(i) Do Government propose to increase his allowance ?

(j) Is it a fact that a Police Inspector sits close to the ladies when they go to visit Aziz Hindi in Jail ? Is it a fact that these ladies observe purdah and feel inconvenienced in these interviews ? Are Government prepared to issue necessary instructions to stop this intrusion ?

(k) Is it a fact that these prisoners are not permitted to read books of their choice ? If so, why is this restriction imposed ?

The Honourable Sir James Crerar : (a) I lay on the table a statement giving the particulars required.

(b) They will be released as soon as Government are satisfied that their detention is no longer essential in the interests of public safety.

(c) and (d). I would refer the Honourable Member to the reply given by me in this House on the 27th January, 1931, to Mr. Gaya Prasad Singh's question No. 43.

(e) Yes. Nine. Details are given in the statement I have laid on the table.

(f) The Honourable Member is referred to the statement mentioned above. The allowance sanctioned by Government for the State prisoner himself is being duly paid to and accepted by him. The dependents of the State prisoner have not drawn the allowances sanctioned for them from the treasury.

(g) The Government of India have no information to that effect.

(h) The dependents of Ghulam Muhammad have failed to draw from the treasury an allowance of Rs. 110 per mensem which has been sanctioned for them. The State prisoner does not, so far as the Government of India are aware, receive any monetary assistance in jail from his family.

(i) The allowances hitherto sanctioned were granted after due enquiry, and are considered sufficient.

(j) Under the rules a police officer has to be present at all interviews and I am afraid there are insuperable objections to any change in this procedure.

(k) The approval of the Superintendent of the jail is necessary to the introduction of books for the use of prisoners within the jail. The restriction is imposed lest books should be introduced which are open to grave objection.

Statement of persons detained in Jail under Regulation III of 1818.

Name of State Prisoner.	Date from which detained.	Allowances sanctioned for																						
		Prisoner.	Family.																					
Abdul Waris <i>alias</i> Bashir Ahmed.	28th August 1930.	Rs. 1-6-0 per diem for diet. Rs. 32 per month for current expenses. Rs. 60 for initial expenses on first admission to jail.	No dependents.																					
Fazal Elahi <i>alias</i> Qurban	Do.		Do.																					
Ghulam Mohammad <i>alias</i> Aziz Hindi.	Do.		<div>Monthly for</div> <table><tr><td></td><td>Rs.</td></tr><tr><td>1. Wife ..</td><td>30</td></tr><tr><td>2. Mother ..</td><td>15</td></tr><tr><td>3. Eldest son ..</td><td>15</td></tr><tr><td>4. Second son ..</td><td>5</td></tr><tr><td>5. Daughter aged 13</td><td>5</td></tr><tr><td>6. Daughter aged 7</td><td>5</td></tr><tr><td>7. Daughter aged 5</td><td>5</td></tr><tr><td>8. Widowed sister</td><td>15</td></tr><tr><td>9. Son of widowed sister ..</td><td>15</td></tr><tr><td>Total ..</td><td>110</td></tr></table>		Rs.	1. Wife ..	30	2. Mother ..	15	3. Eldest son ..	15	4. Second son ..	5	5. Daughter aged 13	5	6. Daughter aged 7	5	7. Daughter aged 5	5	8. Widowed sister	15	9. Son of widowed sister ..	15	Total ..
	Rs.																							
1. Wife ..	30																							
2. Mother ..	15																							
3. Eldest son ..	15																							
4. Second son ..	5																							
5. Daughter aged 13	5																							
6. Daughter aged 7	5																							
7. Daughter aged 5	5																							
8. Widowed sister	15																							
9. Son of widowed sister ..	15																							
Total ..	110																							
Karam Singh ..	21st May 1931.	Do.	No dependents.																					
Harjap Singh ..	14th April 1931.	Do.	Wife Rs. 15 a month.																					
Nayan Elahi ..	9th February 1931.	Do.	No dependents.																					

Mr. Gaya Prasad Singh : May I take it that it is not contemplated to consider the question of increasing the allowance ?

The Honourable Sir James Crerar : The allowances were fixed on a lower scale in the first instance. After further inquiries they have been fixed at a somewhat higher scale and there is no intention of modifying that scale which was fixed after a very full inquiry.

Mr. Gaya Prasad Singh : It has already been fixed on a higher scale after reconsideration ?

The Honourable Sir James Crerar : Yes.

Kunwar Haji Ismail Ali Khan : May I know why Government are not trying his case in the open court ?

The Honourable Sir James Crerar : I would refer the Honourable Member to the answer which I have just now given.

Sardar Sant Singh : Does the answer to part (a) include the case of the Maharaja of Nabha ?

The Honourable Sir James Crerar : No. It does not include persons who were interned on the grounds arising in that case.

Sardar Sant Singh : Has the case of Aziz Hindi been examined by any Sessions Judge ?

The Honourable Sir James Crerar : The case of two of these prisoners were examined by two Sessions Judges. The other cases fall under a different category.

Dr. Ziauddin Ahmad : Have the Government framed any definite charges against Aziz Hindi ?

The Honourable Sir James Crerar : Definite charges were framed in the case of the two prisoners whose cases were submitted to two Sessions Judges.

Mr. Gaya Prasad Singh : Were they allowed to appear before the Sessions Judge when the case was considered ?

The Honourable Sir James Crerar : No, Sir. There is no provision in the rules for that.

Sardar Sant Singh : Did the Government pay the travelling allowances of the members of the family of Aziz Hindi when they went to interview him in Multan ?

The Honourable Sir James Crerar : I must ask the Honourable Member for notice of that question.

ILL-HEALTH OF IHSAN ILAHI, A PRISONER IN THE CENTRAL JAIL, LAHORE.

101. ***Sardar Sant Singh :** Are Government aware that Ihsan Ilahi of Lahore is keeping bad health in the Central Jail, Lahore ? Is it a fact that a medical man of his choice was not permitted to examine him ? If so, why ?

The Honourable Sir James Crerar : No. As recently as the 1st September, his health was certified to be good, and no application appears to have been made by him asking to be treated by a medical man of his own choice. There is, of course, a qualified Medical Officer attached to the jail.

ARREST AND DETENTION OF MR. VIR INDER UNDER REGULATION III OF 1818.

102. *Sardar Sant Singh : (a) Is it a fact that Mr. Vir Inder was arrested under Regulation III of 1818 ? Is it a fact that he has been released now ? If so, how has his release been brought about ?

(b) Is it a fact that he has been found to be innocent of the charges laid by the police against him ?

(c) How long was Mr. Vir Inder detained in custody ?

(d) Have Government granted any compensation to Mr. Vir Inder ? If not, why not ?

The Honourable Sir James Crerar : (a) and (b). I would refer the Honourable Member to the answer given by me in this House on the 2nd March 1931, to clauses (b) and (h), (c) and (d) of Mr. Jagan Nath Aggarwal's question No. 783. In accordance with the undertaking given there, the case of Vir Inder was placed before two Sessions Judges. After considering the report submitted by them, the Government of India decided that Vir Inder should be released and issued orders accordingly.

(c) He was arrested on the 10th February 1931, and released before noon on the 2nd June 1931.

(d) Government did not consider that there was a case for the grant of compensation.

LENGTHY RETENTION OF THE POST OF SUPERINTENDENT OF POST OFFICES, MADRAS CIRCLE, BY RAO BAHADUR G. NARASIMHA NAIDU.

103. *Sardar Sant Singh : (a) Will Government be pleased to state if the Director-General, Posts and Telegraphs, has issued orders to the effect that the total tenure of Superintendents of Post Offices in different appointments in the same station should not, under any circumstances, exceed eight years ?

(b) Was not this order issued with a view to prevent any particular officer from monopolising the same station by favouritism to the exclusion of other aspirants for the same place ?

(c) Is it a fact that in the Madras Circle Rao Bahadur G. Narasimha Naidu remained in Madras for over thirteen years, of which eight years were spent continuously ?

(d) Is it a fact that the present Postmaster General in Madras has reposted Rao Bahadur G. Narasimha Naidu to Madras as R. M. S. Superintendent for giving him training ?

(e) Is this R. M. S. training absolutely necessary and is it prescribed for every officer ; and, if so, is there no other station where Rao Bahadur Narasimha Naidu could be posted ?

(f) Is it a fact that an opportunity for the R. M. S. training was offered to Rao Bahadur G. Narasimha Naidu in 1928 and that he declined to avail himself of it ?

(g) Is it a fact that several Superintendents in the Madras Circle have applied for appointments in the Madras city ?

(h) Has not the Director-General, Posts and Telegraphs, issued orders prohibiting transfer this year in the interest of economy ?

(i) Is it a fact that if now Rao Bahadur G. Narasimha Naidu is posted to Madras apparently for R. M. S. training, he would be ousting Mr. Hamid Khan, Superintendent of Post Offices, from Madras ?

(j) Is it a fact that if Mr. Hamid Khan is transferred from Madras city, there will not be a single Muhammadan Superintendent in Madras city ?

(k) Is it a fact that the present Postmaster General's predecessor in Madras in pursuance of the orders of the Director-General, Posts and Telegraphs, transferred Rao Bahadur G. Narasimha Naidu to Guntur, that the Rao Bahadur took long leave after working for a very short period and has not so far rejoined Guntur ?

Sir Hubert Sams : (a) Instructions were issued deprecating but not absolutely forbidding the retention of an officer in the same locality for more than 8 years at a time.

(b) The object was to prevent an officer being in the same locality for an inordinately long period, subject to the requirements of the service.

(c) As a permanent Superintendent of Post Offices the officer actually worked in Madras for a total period of a little over 10 years, of which approximately 4 years were continuous.

(d) The officer was posted as Superintendent, Railway Mail Service, " M " Division, under the rule which requires that every Superintendent of Post Offices should hold charge of a Railway Mail Service Division for at least three years.

(e) The reply to the first part is in the affirmative. With respect to the second part, postings are made by Heads of Circles according to the exigencies of the service.

(f) The Honourable Member is referred to the second sentence of the reply to (e).

(g) Yes.

(h) No, Sir.

(i) The officer was posted as stated in the reply to (d). There is no question of ousting any officer.

(j) Yes, but postings are not made on communal considerations.

(k) Yes. The officer was granted leave on medical grounds.

APPOINTMENT OF SIKHS ON THE NORTH WESTERN RAILWAY.

104. ***Sardar Sant Singh :** (a) Will Government be pleased to state the number of total appointments, and the appointments held by the Sikhs in the following cadres on the North Western Railway :

(i) superior gazetted service (senior scale officers),

(ii) lower gazetted service (junior scale officers),

(iii) senior subordinates,

(iv) junior subordinates,

(v) ministerial services :

(1) Clerks in the 4th and 5th classes.

(2) Clerks in the 1st, 2nd and 3rd classes ?

(b) Do Government propose to take immediate steps to remove the obvious paucity of the Sikhs, a very important minority community, and to safeguard their interests in the upper services of the North Western Railway ?

(c) Will Government be pleased to state the total number of appointments carrying Rs. 250 or above *per mensem* and the number of such appointments held by Sikhs on the North Western Railway ?

Mr. A. A. L. Parsons : (a) (i) and (ii). The strength of the superior services is 231, and 6 posts in it are held by Sikhs. The strength of the lower gazetted service is 74, and 5 posts in it are held by Sikhs.

(a), (iii), (iv) and (v). The Honourable Member will find the available information in the Classified List of Subordinates employed on the North Western Railway, corrected up to the 30th September 1930, copies of which are in the Library.

(b) Under the rules of recruitment, one-third of the vacancies are reserved to redress marked communal inequalities in the railway services. The operation of these rules should secure the interests of the Sikh community.

(c) I would refer the Honourable Member to the statistics given in Appendix 'F' of the Report by the Railway Board on Indian Railways for the year 1929-30, Volume I, copies of which are in the Library.

Sardar Harbans Singh : What proportion of this one-third reserved for minority communities is reserved for the Sikhs ? Does minority community only mean Muhammadans ? In practice we find that ?

Mr. A. A. L. Parsons : There is no special reservation for Sikhs.

APPOINTMENT OF SIKHS ON THE NORTH WESTERN RAILWAY.

105. ***Sardar Sant Singh :** (a) Will Government be pleased to state whether it is a fact that some subordinates of the North Western Railway have been recommended for appointments in the lower gazetted service ?

(b) Is it a fact that not a single Sikh subordinate has been included in the list of those recommended ?

(c) Is it a fact that almost all the Sikh upper subordinates possess superior educational qualifications than those recommended ?

(d) Is it a fact that some representations were made to the North Western Railway and the Railway Board to give an adequate share of appointments to the Sikhs in the lower gazetted service, in particular, and other upper services in general ?

(e) What action has been taken on those representations ?

(f) Are Government now prepared to take immediate steps to give the Sikhs their due share in the lower gazetted service and other upper subordinate services ?

Mr. A. A. L. Parsons : (a) Yes.

(b) Yes.

(c) No.

(d), (e) and (f). Appointments to the lower gazetted service are, as a rule, made by promotions of selected subordinates, and the policy of Government is to make promotions on the basis of merit, having due regard to seniority, irrespective of communal considerations. A representation on the subject was received from the Sikh Rights Protection Society in June last and replied to accordingly.

ABOLITION OF THE RAILWAY MEDICAL DEPARTMENT.

106. ***Sardar Sant Singh :** (a) Will Government be pleased to state when the Medical Department (Railway) was created ? What has been the annual cost of the Department on each State Railway ?

(b) Are Government aware that the lower staff of North Western Railway is dissatisfied with this Department ? If so, do Government propose to abolish it in the interests of the taxpayer ?

Mr. A. A. L. Parsons : (a) Most of the Companies' Railways, including the East Indian, Great Indian Peninsula and Burma Railways recently transferred to the control of the State have for a long time had a Medical Department of their own. The older State Railways had generally a system under which Civil Surgeons held medical charge of railway employees in addition to their civil duties. Since 1928, this system is being gradually replaced by the organization of a self-contained Medical Department on each railway and the re-organisation is now complete on the Eastern Bengal Railway and on the Oudh and Rohilkhand section of the East Indian Railway. It is still in progress on the North Western Railway.

The cost of the Medical Department on each State Railway for the year 1929-30 was as follows :

			Rs.
Eastern Bengal Railway	..	..	4,21,969
East Indian Railway	..	..	8,30,316
Great Indian Peninsula Railway	..	..	6,81,535
North Western Railway	..	..	8,40,400
Burma Railways	..	..	3,30,611

(b) The answer to the first part is in the negative ; the second part does not arise.

THE PRICE OF WHEAT.

107. ***Sardar Sant Singh :** Has the attention of Government been drawn to a letter published in the *Tribune of Lahore*, dated the 19th June, 1931, under the heading " The wheat problem : The price should be forced up " ? If so, will Government be pleased to state whether they have any intention of forcing up the price of wheat ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Government have seen the letter in question. The suggestions made therein

are impracticable and it is unsound to take any action to force the price of wheat in India above world parity.

SHOOTING OF SARDAR GANGA SINGH'S SONS AND WIFE.

108. ***Sardar Sant Singh** : Will Government be pleased to lay on the table the *communiqué* issued by the Chief Commissioner of the North West Frontier Province relating to the shooting of Sardar Ganga Singh's sons and wife ? Was any inquiry held later on ? Will Government kindly lay on the table the report published as the result of the inquiry ?

(b) Is it a fact that Sardar Ganga Singh was to be compensated ? If so, has any compensation been paid to him ? If so, what ? If not, why not ? What was the amount of the compensation offered ?

(c) Is it a fact that Sardar Ganga Singh has declined to accept any compensation ? If so, what reasons have been given by him ?

Mr. E. B. Howell : (a) I would invite the Honourable Member's attention to the replies given to Mr. S. C. Mitra's question No. 94 and Sardar Gulab Singh's unstarred question No. 139, dated the 15th and 18th July, 1930, respectively, on the subject of this most unfortunate occurrence. A copy of the judgment of the Magistrate who tried the case was placed in the Library on the 15th July, 1930, a copy of the Chief Commissioner's *communiqué* is now placed on the table.

(b) No monetary compensation was offered to Sardar Ganga Singh as Government could not accept liability for the accident.

(c) Does not arise.

Communiqué.

TELEGRAM No. 519|P., DATED THE 31ST MAY, 1930.

From—N.-W. F. P., Peshawar,

To—Associated Press, Simla. (Repeated to Home Department, Simla.)

Chief Commissioner, North West Frontier Province, regrets to announce that at 9 A.M. this morning at the Kabuli Gate of Peshawar City a rifle was accidentally discharged by a Lance Corporal belonging to the Detachment on duty at the Gate. The Lance Corporal is reported to have been cleaning the rifle which on being discharged unfortunately hit the passengers in a tonga passing down the street. No less than three persons were struck by the bullet, namely the wife and two children of Sardar Ganga Singh, Supervisor of the Peshawar Military Dairy Farm. The children were killed instantaneously and the lady was severely wounded. She was immediately taken to the Lady Reading Hospital for treatment where her condition is reported to be serious.

In a Notice published in the city to-day in English and Urdu the Chief Commissioner explained briefly the nature of the accident and expressed his profound regret and sincere sympathy with Sardar Ganga Singh adding that any reparation in his power would be made. An investigation by the City Magistrate was held this afternoon.

The sad event caused much excitement in Peshawar City and large crowds which collected round the Kabuli Gate had to be dispersed by the police and military. One round was fired without inflicting casualties. The Qissa Khani Bazar was cleared and nothing further occurred till about 11 A.M., when a large crowd of several thousand persons collected at the Gor Khatri. As a military patrol passed up the Gor Khatri street the crowd attempted to snatch their rifles from the hands of the troops who were compelled to fire 17 rounds in self-defence. The number of casualties has not yet been accurately ascertained but the wounded persons are receiving treatment in the Lady Reading Hospital and it is rumoured that three persons were killed and their bodies carried away. Shops were closed in the business quarters of the city but there have been no further disturbances.

REPRESENTATION OF HINDUS AND SIKHS ON THE PESHAWAR MUNICIPALITY.

109. *Sardar Sant Singh : (a) Is it a fact that the seats in the Peshawar Municipality have been distributed among Muslims, Hindus and Sikhs ? What is the respective voting strength of the various communities in the Municipality ? What is the proportion of distribution of seats ? Is it a fact that Hindus and Sikhs constitute important minorities in the North-West Frontier Province ? If so, what steps have been taken to safeguard their civic interests ?

(b) Is it a fact that the Hindus and Sikhs are dissatisfied with the distribution ? Have Government received any representation from these communities expressing their strong resentment ? If so, what steps do Government propose to take to protect their interests ? Has the attention of Government been drawn to this grievance of the Sikhs by the Sikh Rights Protection Society, Lahore ? If so, will Government be pleased to lay the correspondence on the table ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) It is proposed to raise the total number of members of the Peshawar Municipal Committee from 20 to 34, of whom 17 will be elected. The voting strength of the various communities according to the tentative electoral rolls recently prepared is as follows :

Muslims	..	..	..	..	10,723
Hindus	..	..	..	..	2,830
Sikhs	..	..	..	..	1,173
Others	..	..	..	..	122
Total					14,848

Of the 17 elected seats on the reconstituted Committee, it is proposed to allot 13 seats to Muslims, 3 to Hindus and 1 to Sikhs. The Hindus represent between 1/6th and 1/7th of the population of Peshawar and the Sikhs less than 1/20th. In the proposed allotment of seats regard has been paid not only to the population of the various communities but also to their voting strength.

(b) Representations have been received from members of the Hindu and Sikh communities expressing dissatisfaction at the proposed distribution of elected seats. Government have seen the correspondence between the Sikh Rights Protection Society, Lahore, and the North West Frontier Province Administration. A copy of the correspondence is laid on the table of the House.

Correspondence.

The Revenue Commissioner,
North West Frontier Province,
Peshawar.

We the Hindu and Sikh Members of the Peshawar Municipal Committee beg to approach you with the following humble representation in connection with the proposed changes in the constitution of the Committee.

From the information laid before the house on Tuesday, the 31st March, 1931, it was learnt that the Deputy Commissioner made certain recommendations in the matter. We have nothing to say against the proposed larger number of members but we have learnt with great concern that the proportion of seats reserved for different communities is proposed for no adequate reasons to undergo a marked change to the clear detriment of the minority communities, i.e., Hindus and Sikhs.

Since the constitution of the Committee till 1929, the Hindus and Sikhs of Peshawar City representing the most important civic interests of the advanced intellectual communities, consisting largely of traders and capitalists with vested interests in the town were given a due representation of 50 per cent. by nomination.

In 1929, when partial elections were introduced for the first time, the following proportion of representation was arrived at presumably in view of the importance of the minorities and in consideration of their vested interests. 5 Muhammadan members, as against 2 Hindus and one Sikh member, by election : and 4 Muhammadan against 3 Hindus and one Sikh by nomination.

Less than 18 months have yet passed since those revised proportions were settled, and it is inconceivable why now when the only question before the house is that of increase in its strength, the controversial and knotty question of a further revision of the proportion of communal representation should at all be taken up.

The only feasible and fair procedure under the circumstances will be to allot seats to the different communities on the basis of the existing proportion. This works out as under if the number of elected seats is doubled from 8 to 16.

10 Muhammadans,
4 Hindus, and
2 Sikhs.

As however the proposed number of elected members is 17, the only point worth considering in this matter is to which community should go the seventeenth seat.

In 1929 the Muslims had 75 per cent. voting strength as against 25 per cent. of that of the Hindus and Sikhs (who interse had a proportion of 2 to 1 respectively). In 1931 the Hindus show an increase of 2.5 per cent. in their voting strength, while the Muslims now have only 73 per cent. ; thus showing a decrease of 2 per cent. This would not justify any increase in Muhammadan representation ; but on the contrary would be a strong ground for the seventeenth seat to go to the Hindus and Sikh group, who now show a voting strength of 27 per cent., as against 25 per cent. of the year 1929.

The Deputy Commissioner on the other hand proposed the proportion of communal representation in election as follows :

13 Muhammadans,
3 Hindus, and
1 Sikh.

This he avers to do on the basis of the mean proportion worked from the population figures of 1921 and the voting strength of 1931 of the different communities.

This novel principle which is possibly meant to aim at some moderation in the political powers and ascendancy claimable by the numerically larger Muhammadan community on pure population basis, has hardly any merit as it on the other hand works out most unfairly to the interests of the important Hindu and Sikh minorities, which deserve to be adequately safeguarded.

The unjustifiableness of this proposal is clearly shown by the fact that if it is accepted, the Muslims will get 1 seat for every 825 votes, Hindus get one seat for 943 votes, and Sikhs 1 seat for as many as 1,173 votes. This, it will be granted, is neither fair nor just.

It goes without saying, as observed in the representation of N.-W. F. P. Hindu Sabha, dated 25th February, 1929, that representation on population basis with separate electorates is definitely unfair in view of the importance of Hindu and Sikh communities, in this premier city of the Province. The legitimate trading and educational interest of these minority communities cannot receive adequate protection against communal aggression of the larger community, unless due regard is paid to voting strength on some high basis, with additional safeguards to counter-balance the larger number of Muhammadan members including the official element. From this point of view the unequal proportion of two Hindus and one Sikh constituency as

against 5 Muhammadan constituencies even in 1929 gave rise to a serious grievance on the part of the Hindu and Sikh inhabitants of Peshawar City, but this was partly redressed by some balance of power maintained by keeping the nominated members half and half as before.

We are not fully aware what adequate grounds for modifying the 1929 proportion have been advocated by the author of this original scheme, but your humble petitioners have no doubt that double the number of members of 1929 scheme with an additional seat for the communities, which show increased voting strength, would be the only fair proposition to make.

It is submitted that in view of the above, 10 Muhammadans and 7 Hindus and Sikhs would be the more appropriate numbers and taken together with the official element the Muhammadans of Peshawar City cannot be possibly said to be labouring under any disadvantage of civic representation in Municipal matters.

We have, etc.

KABAM CHAND,
MEHR CHAND KHANNA,
ETC., ETC.

PESHAWAR CITY,

Dated the 9th April 1931.

COPY OF LETTER, DATED THE 22ND APRIL, 1931, FROM THE PRESIDENT, THE SIKH RIGHTS PROTECTION SOCIETY, LAHORE, TO THE CHIEF COMMISSIONER, N.-W. F. PROVINCE.

SUBJECT :—*Sikh Seats in the Peshawar Municipal Committee.*

The attention of my committee has been invited with regard to the proportion of seats reserved for different communities in the Peshawar Municipality.

My committee recall to the reforms that were introduced in 1929 under which the seats were allotted as under :

(a) Election—

Mohamedans	..	..	..	..	5 seats.
Hindus	..	..	..	..	2 seats.
Sikhs	..	..	..	..	1 seat.

(b) Nomination—

Mohamedans	..	..	..	..	4 seats.
Hindus	..	..	..	..	3 seats.
Sikhs	..	..	..	..	1 seat.

Now after the lapse of 18 months this proportion is going to be disturbed and therefore my community naturally feel perturbed and it is alleged that following proportion has been recommended :

10 Mohamedans.

4 Hindus.

2 Sikhs.

1 Unallotted.

17 seats.

My community is not in favour of communal electorates either in Legislative Councils or Municipal Committees, but they expect weightage as an important minority community who ruled Peshawar before the advent of British Rule.

The Sikhs in addition to weightage as a minority community as the Mohamedans desire in the Provinces where they are in the same position, expect that they may be allowed to contest additional seats in general electorates which must be common for Mohamedans, Hindus and Sikhs so that elected members must feel responsibility to all of them. The Muslims at their recent conference held at Lucknow passed a resolution

of joint electorates and those who attended the conference by common consent are the popular leaders of the Mohamedan community.

My Committee trust that the Government of the Hon'ble the Chief Commissioner will give special consideration to the claims of the gallant Sikh community and they shall be thankful if you throw some light in the matter in order to pacify the feeling of my community both in N.-W. F. P. and in the Punjab.

COPY OF A MEMORANDUM, No. 1058-L.F., DATED THE 8TH MAY, 1931, FROM THE REVENUE COMMISSIONER, N.-W. F. P., TO THE PRESIDENT, THE SIKH RIGHTS PROTECTION SOCIETY, 10|2, NISBAT ROAD, LAHORE.

SUBJECT :—*Sikh seats in the Peshawar Municipal Committee.*

Reference your letter, dated the 22nd April, 1931, to the address of the Secretary to the Chief Commissioner, North West Frontier Province, on the subject noted above.

2. It has been decided that electorates in the Peshawar Municipality will be communal and that the distribution of the seventeen elected seats on the committee will be as follows :

Muslims	..	..	..	..	..	..	13
Hindus	..	..	..	..	..	..	3
Sikhs	..	..	..	..	..	..	1

3. The decision regarding communal electorates has been arrived at in deference to the expressed wishes of Hindu and Sikh communities of Peshawar.

4. As regards the distribution of the elected seats, the proposed distribution is based on the " Punjab formula ", which has been adopted for application throughout this province, that is, the proportion of seats is calculated on the average of what each community is entitled to on the basis of population and voting strength. It may be added that no weightage has been, or is proposed to be, given to any community in elected seats in any municipal committee in the N.-W. F. Province, and that if necessary the interests of the minorities including the Sikhs will be safeguarded by nomination.

No. S. R.-9|9.

OFFICE,
THE SIKH RIGHTS PROTECTION SOCIETY,
10|2, NISBAT ROAD, LAHORE,

2nd June, 1931.

From

Sardar Harbhajan Singh Balhaya,
Hon. Secretary, The Sikh Rights Protection Society,
Lahore.

To

The Revenue Commissioner,
North West Frontier Province,
Peshawar.

SUBJECT :—*Sikh seats in the Peshawar Municipal Committee.*

DEAR SIR,

I am directed to acknowledge the receipt of your letter, No. 1058-L.F., dated 8th May, 1931, which received a careful consideration of my committee and they have directed me to address you again on this question of great importance to my gallant community.

2. My Committee note that the Government have decided that the electorates will be on communal basis on the express desire of the Hindus and Sikhs and that the distribution of the seventeen elected seats on the Committee will be as follows :

Muslims	..	..	..	..	..	..	13
Hindus	..	..	..	..	..	..	3
Sikhs	..	..	..	..	..	..	1

But the proportion fixed by the Government it seems, is against the interests of both Hindus and Sikhs as my committee note from their joint representation, dated 9th April, 1931, to you. The approximate population and voting strength of the

different communities in Peshawar City as my Committee has been able to gather is as under :

	<i>Approximate population.</i>				<i>Voting strength.</i>
Mohamedans	73,000	10,723
Hindus	10,000	2,830
Sikhs	5,000	1,173

In accordance with the principle adopted by your Government the Mohamedans will get one seat to 825 votes, Hindus one for 943 and Sikhs one for 1,173. From this you will be pleased to observe at a glance that no special representation to the minorities have been granted and the position of the Sikh representation is not only unfair but ridiculous. The Sikhs in Peshawar have traditions behind them as ex-rulers of the Province and even now they form a compact and highly educated community and as most of its members are businessmen with very large stakes, therefore their interests require adequate safeguard from the Government.

3. The position of the Sikhs in the North-West Frontier Province is, practically same as those of Muslims in the Madras Presidency therefore the " Punjab Formula " of representation is besides the point and cannot be taken into consideration. My Committee are strongly of opinion that the Sikhs should be allowed nothing short of 15 per cent. representation as the Muslims claim in the Madras Presidency and they must concede to others what they demand in the Province where they are in minority.

4. I am further directed to request you that the Sikh seats arrived at on the basis of 15 per cent. representation should be opened to them by election only and the ante-diluvian system of nomination should be dispensed with altogether and therefore they are obliged to disagree with your views that the interests of the minorities including the Sikhs will be safeguarded by nomination, *vide* paragraph 4 of your letter.

5. I am asked to impress upon you and through you to the Government of India that the Sikhs are not communalists and they would prefer joint electorates with reservation of seats so that the Muslim majority may feel sense of responsibility to Hindu and Sikh voters, otherwise the system enunciated by you will bring in a permanent Muslim rule in the Local Self-Government. My Committee invite your special attention of the Lahore Municipal Committee's Administration which on account of Muslim preponderance and irresponsibility, brought an unscathing criticism both from the ex-Muslim Commissioner of Lahore and ex-Muslim Minister for Local Self-Government. This must be an eye-opener to the Government of your Province before launching any scheme of reforms in which such state of affair will not be allowed. The views of the Sikhs of the Frontier Province are in perfect accord with those of my Committee and even the Sikh Conference at Kohat has expressed similar views in unequivocal terms.

6. My Committee trust that the Frontier Government will consider this letter in an equitable and just manner so that my community may not suffer in this present transitional state of affairs and they shall be glad to hear from you the steps the Government will be pleased to take after reviewing the whole situation.

I am,
DEAR SIR,
Yours faithfully,
(Sd.) H. S. BALHAYA,
Honorary Secretary,
The Sikh Rights Protection Society, Lahore.

No. S. R.-9|10, DATED THE 2ND JUNE, 1931.

Copy of the above to the Secretary to the Government of India, Political Department, Simla, for favour of information and immediate action to safeguard the interests of the Sikh in the Frontier Province.

(Sd.) H. S. BALHAYA,
Honorary Secretary,
The Sikh Rights Protection Society, Lahore.

Dr. Ziauddin Ahmad : Is it not a fact that the non-official elected members are in a minority in the Peshawar Municipality, and, is it not a fact that the Government promised definitely last year that they would increase the non-officials, at least in the proportion of two-thirds ? Are Government going to reconsider the matter ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : 17 out of 34 will not be a minority, Sir ?

Dr. Ziauddin Ahmad : And what about the official Chairman ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The official Chairman would certainly have a casting vote when a dispute arose.

Dr. Ziauddin Ahmad : Therefore, Government is in a majority ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Only when there is a dispute, Sir.

THE PRICE OF WHEAT.

110. ***Sardar Sant Singh :** (a) Have the Government seen the note on the wheat problem as published on page 2 of the *Civil and Military Gazette*, Lahore, in its issue of the 26th June, 1931 ? If so, what steps do Government propose to take to raise the level of the agricultural products of Northern India in order to prevent agrarian trouble from breaking out ?

(b) Have Government received any communication from the Indian Chamber of Commerce, Lahore, with regard to the price of wheat ? If so, will Government state what steps they intend to take with regard to the various suggestions made therein ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes. Government do not agree with the contents of the note referred to, which is based on an incorrect statement of facts. In this connection, the attention of the Honourable Member is invited to the Honourable Sir George Rainy's speeches in the Legislative Assembly, on the 31st March, 1931, on the Wheat (Import Duty) Bill, explaining that any action that could be taken would not have the effect of raising the level of prices of agricultural products in India.

(b) Yes. The Chamber's suggestions with reference to the price of wheat related to reduction of railway freight, and prohibition of imports of foreign wheat. As regards the first matter, it is open to the Chamber to make any representation they desire to the Railway Administration concerned for a reduction in freight rates supported by any evidence they may have to indicate that the incidence of railway freight rates precludes the free movement of agricultural produce from the Punjab to other parts of India.

As regards the second matter, I would refer the Honourable Member to the answer which I have given to part (a) of his question.

Dr. Ziauddin Ahmad : What action have Government taken to prohibit the importation of foreign wheat ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Honourable Member must remember that there was actually a Wheat Import Duty Bill passed by this Assembly at the last Delhi Session.

Dr. Ziauddin Ahmad : Is it not a fact that by Government giving a time-allowance the importers have imported more wheat than would otherwise have been the case, within the year ?

The Honourable Khan Bahadur Mian Sir Fazli-Husain : Am I to understand that the Honourable Member questions the wisdom of the Assembly in doing so ?

Dr. Ziauddin Ahmad : The wisdom of the Government.

BENEFIT SECURED BY INDIA UNDER THE HOOVER MORATORIUM.

111. *Mr. Gaya Prasad Singh : Will Government kindly state if India is in any way benefited by the Hoover Moratorium ? And if so, how ; and to what extent ?

The Honourable Sir George Schuster : I would invite the attention of the Honourable Member to the Press communiqué issued by the Government of India on the 26th June, 1931, a copy of which is laid on the table of the House.

Press Communiqué.

On the 24th June, 1931, in the course of a statement in Parliament with regard to the policy of His Majesty's Government regarding President Hoover's proposal about war debts moratorium the Chancellor of the Exchequer said :

" Although His Majesty's Government in the United Kingdom do not regard President Hoover's proposal as directly affecting the war obligations of the Dominions and of India to the United Kingdom which are a matter for discussion and settlement between those of His Majesty's Governments concerned, we felt that we should be interpreting the wishes of the country in deciding freely to offer to the Dominions and India the same concession as is proposed for foreign countries under the same conditions.

Accordingly, when inviting the assent of the Dominion Governments and the Government of India to the suspension of German payments so far as regards the share to which they are entitled, we intimated that on the same principle we would readily give them the option of postponing the whole amount of their war debt payments to the United Kingdom for a period of one year from July 1st, 1931, if they so desire."

The Government of India have agreed to the proposals of His Majesty's Government. The effect of the proposal in regard to India is that, provided President Hoover's proposal is adopted the Government of India may suspend both capital and interest payments in respect of the outstanding war loan liability for one year beginning the 1st July, 1931. On the other hand, the Government of India will forego receipts from reparations during the same period. The total amount of the outstanding war loan liability on the 31st March, 1931, was £16,721,000. The total war loan liability till 1929-30 was being discharged by making such annual payments of capital as would lead to the extinction of the liability by about 1946-47. In 1929-30 and 1930-31, however, no capital repayment was made to His Majesty's Government and similarly the budget for 1931-32 does not include any amount for capital repayment of the war loan liability. The amount of interest payable by the Government of India to His Majesty's Government on the outstanding amount of the war loan liability is £836,000 per annum which is payable in two half-yearly instalments. As the moratorium year runs from 1st July, 1931 to the 30th June, 1932, the relief to the Indian budget on this account during the current year will be £418,000. The remaining half of the benefit will fall within the next year's budget. The total amount of reparation receipts due to the Government of India under the Young plan during 1931-32 and 1932-33 is approximately £228,300 per annum, which is payable monthly. Under the proposals of His Majesty's Government, the Government of India will forego these receipts for nine months in the current year (1st July to 31st March), amounting to about £172,000 and for three months (1st April to 30th June) in the next year amounting to about £57,000. The net relief to the budget of the Government of India will thus be £246,000 in the current year and £361,000 in the next year.

FINANCE DEPARTMENT,
Simla, the 26th June, 1931.



PROTEST BY INDIAN EMPLOYERS' DELEGATES AT THE INTERNATIONAL LABOUR CONFERENCE AT GENEVA.

112. *Mr. Gaya Prasad Singh : (a) Will Government kindly explain the circumstances under which Messrs. Walehand Hirachand, Ghosh, and Bagla, the Indian Employers' delegates to the International Labour Conference at Geneva, walked out of the Conference Hall in protest ?

(b) Who is Mr. Tarlton ; to what nationality does he belong ; who nominated him to represent India ; and what are his antecedents and qualifications in this respect ?

(c) Is it not a fact that the organisations which nominated Mr. Tarlton have a membership, 88 per cent. of which is incorporated in, controlled from, or belongs to Great Britain ?

Mr. J. A. Shillidy : (a) The gentlemen named are reported to have walked out of the Conference Hall as a protest against the action of the International Labour Conference in accepting the credentials of Mr. E. S. Tarlton as Adviser to the Indian employers' delegate.

(b) At the time of his nomination Mr. Tarlton was the Chairman of the Indian Mining Association. He is a British subject and was nominated by the Government of India in conformity with the provisions of Article 389 of the Treaty of Versailles. The nomination was upheld by the Credentials Committee and the Conference.

(c) Exact information is not available, but the answer to the question, as I understand it, is almost certainly in the negative.

Mr. Gaya Prasad Singh : What is the strength of the organization which nominated Mr. Tarlton ?

Mr. J. A. Shillidy : I did not catch the question.

Mr. Gaya Prasad Singh : With regard to (c), I should like to know how many Indians are on the organization which nominated Mr. Tarlton.

Mr. J. A. Shillidy : I cannot say quite how many Indians there are. I have not got the exact information ; but the answer to the question is almost certainly in the negative.

Sirdar Harbans Singh Brar : Did the Honourable Member try to get the exact information ?

Mr. J. A. Shillidy : No ; I am afraid we cannot get the information.

RACIAL DISCRIMINATION IN THE PROVISION OF ELECTRIC FANS IN JAILS.

113. *Mr. Gaya Prasad Singh : (a) With reference to the announcement of Government eliminating the policy of racial discrimination in jails, and the classification of prisoners, are Government aware that electric fans have been provided, or are going to be provided, for Europeans and Anglo-Indian prisoners in many jails, but not for Indian prisoners ; if so, why ? Has there been any correspondence with the United Provinces Government in this connection ?

(b) Has the attention of Government been drawn to the report published in the *Leader*, dated the 15th May, 1931, of an interview with Mr. Vankatesh Narayan Tewari, an ex-member of the United Provinces Legislative Council, in the course of which he stated on the authority of his own personal experience that fans have been provided for European and

Anglo-Indian prisoners but not for Indian prisoners, even of the same class, in many jails ?

The Honourable Sir James Orerar : (a) The reply to the first part of the question is in the negative. I have ascertained from the United Provinces Government that electric fans are at present provided only in the Lucknow Central prison and that hand punkhas are provided elsewhere, when required. Orders were issued by the Government of the United Provinces in May last to the effect that whenever a punkha is considered necessary during the hot weather for any particular prisoner, recommendation should be made accordingly to the Inspector General of Prisons and these orders applied equally to European, Anglo-Indian and Indian prisoners. During the present year punkhas have been sanctioned for 15 Europeans and Anglo-Indians and for 124 Indians.

(b) I have seen the report referred to.

COMPLAINT BY PANDIT JAWAHAR LAL NEHRU AGAINST TAMPERING WITH HIS LETTERS IN THE POST OFFICE.

114. ***Mr. Gaya Prasad Singh :** Has the attention of the Government been drawn to the copy of a letter, published in the *Hindustan Times* of the 27th June, 1931, addressed by Pandit Jawahar Lal Nehru, to the Postmaster General, United Provinces, regarding the systematic tampering with his letters by Post Office "interlopers" ? Under whose authority are his letters opened and why ? How many letters of his have been so far opened ; and in how many have objectionable matters, if any, been found ; and how have they been disposed of ?

Mr. J. A. Shillidy : The reply to the first part of the question is in the affirmative. With respect to the other parts, Government regret that they are unable to give any information.

Mr. Gaya Prasad Singh : May I take it that the Government have not got this information in their possession ?

Mr. J. A. Shillidy : I am afraid I must refer the Honourable Member to my reply. The Government are unable to give any information.

Sardar Sant Singh : Will Government kindly state under what provisions of the law they are authorised to open the letters of private individuals ?

Mr. J. A. Shillidy : Under the Post Office Act.

REMODELLING OF THE KOTRI RAILWAY BRIDGE OVER THE INDUS.

115. ***Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state whether it is intended to remodel the present Kotri Railway Bridge over the Indus ?

(b) If the reply to part (a) be in the affirmative, what will be the total cost incurred ?

(c) What are the reasons for the new scheme being undertaken at a heavy cost ?

(d) Is it true that the Karachi District Local Board, Hyderabad Sind Municipality, Kotri Municipality and Hyderabad District Local Board and the Bombay Government have been approached to contribute their share to the cost of remodelling the bridge ?

(e) If reply to part (d) be in the affirmative, what are the replies received from each of them ?

(f) If local bodies are unwilling to participate in such a costly scheme, do Government propose to drop the scheme in view of the present economic depression ?

Mr. A. A. L. Parsons : (a) Yes.

(b) The total cost is estimated to be Rs. 17,26,236.

(c) Because the existing girders are too weak to carry the new heavy standard engines already running on the North Western Railway between Lahore and Rohri, it not being possible to run them on the Rohri-Karachi section on account of the weakness of the girders of the Kotri Bridge.

(d) and (e). Government have no information as regards the Karachi District Local Board, Hyderabad Sind Municipality, Kotri Municipality and Hyderabad District Local Board, but the Government of Bombay have agreed to contribute Rs. 7,51,300 out of the estimated amount mentioned for the purpose of providing cantilevered roadways on either side of the strengthened girders.

(f) Work is already in progress and Government are, therefore, not prepared to consider the abandonment of the Scheme.

DUTIES OF THE ADVERTISEMENT AGENT FOR GOVERNMENT PUBLICATIONS.

116. ***Mr. Bhuput Sing :** Will Government be pleased to state :

(a) the nature of the duties that the Advertisement Agent for Government Publications has to perform ;

(b) the pay and emoluments that are paid to such officer ;

(c) the names of all the provinces where such a functionary exists ;

(d) since when the post for such a functionary has come into existence ;

(e) the amount of work that has been introduced by such officer in the province of Bengal ; and

(f) the name of such officer posted in Bengal and his educational and special qualifications for the office he holds ?

Mr. J. A. Shillidy : (a) The duties of the Advertisement Agent are to secure advertisements for insertion in Government publications and forms, to conduct all preliminary negotiations and correspondence with prospective advertisers and to obtain payment for advertisements accepted by the Central Publication Branch.

(b) The Agent is paid a commission of 20 per cent. on all payments for advertisements secured by him and an additional commission of 5 per cent. if the net revenue to Government from advertisements is equal to or in excess of Rs. 32,000 in a year.

(c) The Agent secures advertisements from all parts of India. No separate Agents are employed by the Government of India in different provinces.

(d) The services of an Advertisement Agent are being utilised since April, 1924.

(e) The information is not available as receipts from advertisements are not accounted for on a territorial basis.

(f) The name of the present Agent is Mr. Colin Muirhead. He has worked as the head of the advertising department of certain firms in Calcutta.

**CONSTRUCTION OF QUARTERS FOR EAST INDIAN RAILWAY EMPLOYEES,
NORTH OF HOWRAH STATION.**

117. *Mr. Bhuput Sing : Will Government be pleased to state :

- (a) the total number of acres that have been acquired on the north of Howrah towards Salkia side for the construction of mansions and quarters for the East Indian Railway people ;
- (b) since when the acquisition of sites has commenced ;
- (c) since when the constructive operations have begun ;
- (d) the total amount of costs that have been incurred so far in constructing the buildings ;
- (e) how many houses in all have been built on the lands acquired so far ;
- (f) how many of those houses are (i) one-storied, (ii) two-storied, and (iii) three-storied ;
- (g) how many of such houses are primarily intended for the Indian employees ;
- (h) whether any buildings are still in process of construction at the acquired sites ;
- (i) how many people are expected to be housed in all the buildings already completed ;
- (j) how many people have already taken occupation of those buildings so far ;
- (k) the amount that has been spent in laying the roads and avenues about the buildings ; and
- (l) who was it that first originated the idea of acquiring the sites for the purpose of building the houses in question ?

Mr. A. A. L. Parsons : (a) 24.64 acres.

(b) September, 1918.

(c) April, 1928.

(d) Rs. 62,80,253, including the cost of land.

(e) 588 sets of staff quarters with 108 units of servants' quarters.

(f) One-storied—Nil.

Two-storied—108 units servants' quarters.

Three-storied—180 units.

Four-storied—408 units inferior servants' quarters.

(g) 408 exclusively for Indians and 180 for Indian or European employees as required.

(h) No.

(i) 588 families with servants.

(j) All quarters are occupied.

(k) Rs. 21,476.

(l) The proposal was originally put forward in 1918 by the District Engineer, Howrah.

RECOMMENDATIONS OF SIR ARTHUR SALTER.

118. *Mr. Bhuput Sing : Will Government be pleased to state :

- (a) the causes that Sir Arthur Salter has made out for the economic depression in India in particular ;
- (b) the remedies that he has suggested for the alleviation of the prevailing acute economic situation in India ;
- (c) whether the causes and remedies prescribed by him have been accepted by the Government of India ;
- (d) whether the causes and remedies indicated by Sir Arthur Salter are in conformity with those prescribed by Sir E. Hilton Young in indicating the causes of the world slump ; and
- (e) the recommendations of Sir Arthur Salter which the Government of India has resolved to give effect to ?

The Honourable Sir George Rainy : (a) The investigation of the causes of the present economic depression in India was not within the scope of the enquiry undertaken by Sir Arthur Salter. In this connection I would refer the Honourable Member to Sir Arthur Salter's Report, a copy of which is in the Library.

(b) to (d). Do not arise.

(e) Government have not yet taken any action on Sir Arthur Salter's Report.

REMEDIES FOR THE ECONOMIC DEPRESSION IN INDIA.

119. *Mr. Bhuput Sing : Will Government be pleased to state :

- (a) the remedies that the Government of India propose to adopt for the alleviation of the continuing economic depression in India ; and
- (b) whether the provincial Governments are expected to fall in with the Central Government in adopting measures for the removal of the economic distress that prevails throughout the country ?

The Honourable Sir George Rainy : (a) and (b). The real causes of the present economic depression in India are unfortunately beyond the control of the Government of this country.

DECAPITATION OF THE BODIES OF CERTAIN BURMAN REBELS HANGED IN BURMA.

120. *Mr. Bhuput Sing : Will Government be pleased to state :

- (a) the names of persons who are responsible for the severance of heads from their bodies of the 12 Burman rebels in Prome ;
- (b) the steps that the Central Government have taken to find out the exact reason for which such a severance of heads from the bodies was resorted to ;
- (c) the action which the Central Government has taken to deal with the person or persons who had been responsible for the deed ;
- (d) the resolution that the Government of Burma have passed in the matter since the news appeared in the papers ;
- (e) whether it is a fact that long before the news leaked out photographs of the 12 decapitated heads were in the possession of the Executive Members of the Government of India ; and
- (f) under what law the severance of heads from bodies of men already hanged is permissible ?

The Honourable Sir James Crerar : I would invite the attention of the Honourable Member to the Resolution issued by the Government of Burma on the subject, a copy of which I have had placed in the Library.

RECRUITMENT BY THE PUBLIC SERVICE COMMISSION.

121. *Mr. Bhuput Sing : Will Government be pleased to state :

- (a) whether the Public Service Commission is functioning normally in the present year ;
- (b) whether they have brought out the results of the different examinations held under their auspices timely during the last year ;
- (c) whether recruitment on the results of all those examinations has already been made ; if not, why not ;
- (d) whether the Commission have been authorised to hold all examinations originally held by them in the present year ;
- (e) whether recruitments will be made as usual on the result of those examinations ; and
- (f) whether the activities of the Commission will be restricted in any way by the present retrenchment scheme of the Government ?

The Honourable Sir James Crerar : (a) Yes, except that one member has been absent on leave since April 1931.

(b) and (c). Yes.

(d) and (e). No examination will be held during the current year for entry to the Indian Audit and Accounts Service, the Military Accounts Department, the Indian Railway Accounts Service or the Imperial Customs Service, because no vacancies for direct recruits are expected to occur in any of those services in 1932. Similarly no examination will be held for

the Indian Forest Service, because no vacancy is likely to occur in 1933; that being the year in which a probationer recruited in 1931 would be appointed to the service after training at the Forest College, Dehra Dun. All other examinations will as far as is known at present be held as usual and recruitment will be made on the results of these examinations.

(f) The question as to what economy if any can be effected is under consideration, but there is not likely to be any restriction of the activities of the Commission.

RETRENCHMENT ON THE NORTH WESTERN RAILWAY.

122. *Mr. Lalchand Navalrai : (a) Is it a fact that the Railway Unions suggested to the Railway Board that retrenchment should be made by discharging about 115 officers who were provided for on the North Western Railway when the Divisional Scheme was introduced in place of the old system of working under Traffic Superintendents and District Traffic Superintendents ?

(b) Is it a fact that such a re-organization scheme would mean about 10 lakhs annual savings to the Railway ?

(c) Was it also suggested that the salaries of the other 200 high officials should be reduced ; if so, by how much ?

(d) What were the replies made to the Unions on the aforesaid points ?

(e) If their suggestions were not agreed to, what were the reasons for such refusal ?

(f) What steps do the Railway Board propose to take for the retrenchment in connection with the suggested matters ?

Mr. A. A. L. Parsons : (a) to (c). No.

(d) and (e). Do not arise.

(f) The Railway Board do not propose to take any steps in the directions suggested.

Mr. Lalchand Navalrai : Will the Honourable Member kindly let me know the reasons for not taking the steps ?

Mr. A. A. L. Parsons : I fear, Sir, that in a reply I cannot give all the reasons, but I can say that it is quite impossible to get rid of 115 officers on the North-Western Railway.

IMPORTATION OF JAPANESE RICE.

123. *Mr. Lalchand Navalrai : (a) Have Government received any representations from the Indian Merchants' Association, Karachi, and the Bombay Chamber of Commerce drawing the attention of Government to an extraordinary import of Japan rice into the Indian markets affecting seriously the sale of rice produced in Sind and other parts of India ?

(b) Are Government aware that the price of rice has gone down abnormally in India, that the producers in India are not able to compete with the Japanese rice and are therefore suffering immensely ?

(c) Have Government taken any steps to protect the interests of Indian producers ? If so, what ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Government have received representations on the subject from the Indian Merchants' Association, Karachi, and the Indian Merchants' Chamber, Bombay.

(b) and (c): The attention of the Honourable Member is invited to reply already given to Mr. Mohd. Anwar-ul-Azim's question No. 4 on this subject.

The Honourable Member was inquisitive as to the source from which I derived the figures given in the answer referred to. I understand, Sir, that the information was obtained from the Director General of Commercial Intelligence, who, in his turn, I understand, received the reports from the Customs Collectors at all Indian seaports.

Mr. Lalchand Navalrai : Was any answer given in the Bombay and Karachi Chambers on this subject ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I believe the answer given to Mr. Mohd. Anwar-ul-Azim's question No. 4 is the reply to the representations made in the above-mentioned communications.

Mr. Lalchand Navalrai : What I want to know is whether any reply was given to the Chambers who communicated with the Honourable Member and therefore expected a reply ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : For that I should like to have notice.

APPOINTMENT OF SINDHIS AS SANITARY INSPECTORS ON THE NORTH WESTERN RAILWAY.

124. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state how many Sanitary Inspectors there are in the service of the North Western Railway in the Karachi and Quetta Divisions ?

(b) Where are they posted ?

(c) How many of them are Punjabis, how many Sindhis and how many of other denominations ?

(d) How many of them have qualified themselves in the course of training given to such a class in Bombay ?

(e) Is it a fact that one Sindhi, who qualified in the Bombay course applied to the Agent, North Western Railway, Lahore, in 1928 and who has repeated his request from time to time, has not been engaged by the Railway even though his name had been registered in 1928 ? If so, what are the reasons for not giving a due proportion of appointments to Sindhis, specially in the Sind section ?

Mr. A. A. L. Parsons : (a) Four in the Karachi Division and two in the Quetta Division.

(b) Karachi Cantonment, Sukkur, Rohri, Kotri, Quetta, and Sibi.

(c) All are Punjabis.

(d) Three of these Sanitary Inspectors have qualified themselves in the Bombay Sanitary Inspector's course.

(e) The Agent, North-Western Railway, reports that he is unable to trace the application of the individual referred to by the Honourable

Member. Recruitment to the Class of Sanitary Inspectors is made by a Selection Board at the Headquarters of the Railways and in recruiting for the subordinate grades generally due attention is paid to securing representation of various communities.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to write to the Agent to recognise the rights of the Sindhis also and not give all the appointments to the Punjabis ?

Mr. A. A. L. Parsons : It appears to me that what should guide the Agent is the qualifications that are needed in Sanitary Inspectors and not whether that they should be Punjabis or Sindhis.

Mr. Lalchand Navalrai : Am I to understand that all the Punjabis that are now in service are qualified men ?

Mr. A. A. L. Parsons : I understand so.

Mr. Gaya Prasad Singh : What about the Biharis ? (Laughter.)

APPOINTMENT OF SINDHIS AS HEADS OF DEPARTMENTS IN THE NORTH WESTERN RAILWAY OFFICE AT LAHORE.

125. ***Mr. Lalchand Navalrai :** (a) Is it a fact that the heads of the Departments in the Agent, North Western Railway, Lahore's office continue to be Punjabis ?

(b) Has any attempt been made to give such responsible appointments to Sindhis in order to safeguard the interests of the Sind subordinates on the North Western Railway ?

Mr. A. A. L. Parsons : (a) Presumably the Honourable Member refers to the Superintendents of the clerical establishments in Principal Headquarters Offices.

Out of nine posts six are filled by Punjabis and 2 by Sindhis.

(b) No.

DEPOSITS WITH THE IMPERIAL BANK OF INDIA.

126. ***Mr. Gaya Prasad Singh** (on behalf of Mr. T. N. Ramakrishna Reddi) : (a) Will Government be pleased to state what was the amount of deposit with the Imperial Bank of India during each of the months from 1st January, 1930. to 1st July, 1931 ?

(b) Will Government be pleased to state what interest is allowed on these deposits and what was the total income derived by way of interest during the period in question ?

The Honourable Sir George Schuster : (a) The amount of the Government deposits with the Imperial Bank is shown in the weekly statement issued by the Bank and also in a monthly statement published by the Controller of the Currency.

(b) The Imperial Bank does not pay interest on the deposits, but as a *quid pro quo* for interest-free deposits it executes a large amount of work for the Government.

ALLEGED DIFFERENTIAL TREATMENT OF INDIAN AND NON-INDIAN DIRECTORS OF THE IMPERIAL BANK OF INDIA.

127. ***Mr. Gaya Prasad Singh** (on behalf of Mr. T. N. Ramakrishna Reddi) : Will Government be pleased to state whether it is a fact that the

Indian Directors of the Imperial Bank branch at Madras do not receive the same treatment as their non-Indian colleagues, that papers circulated to the latter are not circulated to the former and that knowledge of many of the transactions of the Bank are withheld from the Indian portion of the Directorate ?

The Honourable Sir George Schuster : The question deals with a point of procedure with which Government are not concerned and about which Government have no information.

WITHDRAWAL OF FACILITIES GRANTED TO INDIAN MERCHANTS BY THE
IMPERIAL BANK OF INDIA.

128. ***Mr. Gaya Prasad Singh** (on behalf of Mr. T. N. Ramakrishna Reddi) : (a) Will Government be pleased to state whether it has come to their knowledge that the Imperial Bank, through its branches, is putting pressure on Indian merchants, particularly in withdrawing facilities granted to them for doing their business and in otherwise compelling them in many cases to close their accounts ?

(b) Will Government be pleased to state if it is a fact that in some instances at least this financial pressure is due as much to financial as to political reasons ?

The Honourable Sir George Schuster : (a) No.

(b) Does not arise.

AMOUNT OF ADVANCES GIVEN TO INDIAN MERCHANTS BY THE IMPERIAL
BANK OF INDIA.

129. ***Mr. Gaya Prasad Singh** (on behalf of Mr. T. N. Ramakrishna Reddi) : (a) Will Government be pleased to state what is the amount of advance given to Indian merchants in the various branches of the Imperial Bank outstanding in the beginning of January, 1930, and what is the amount at present outstanding on the 1st of July, 1931 ?

(b) Will Government be pleased to state what is the amount of advance outstanding against Indian merchants in Burma, particularly on the 1st of January, 1930, and what is the amount outstanding on the 1st of July, 1931 ?

(c) Will Government be pleased to give similar figures for the same period to non-Indian constituents of the various branches of the Imperial Bank ?

The Honourable Sir George Schuster : Government are not in possession of the information required by the Honourable Member as it relates to the commercial business of the Bank over which Government have no control.

INQUIRY INTO THE WORKING OF THE IMPERIAL BANK OF INDIA.

130. ***Mr. Gaya Prasad Singh** (on behalf of Mr. T. N. Ramakrishna Reddi) : Has the attention of Government been drawn to the allegations that have been specifically made in the course of the Banking Enquiry Committee regarding the Imperial Bank ? Have Government considered the

desirability of appointing a committee of inquiry to go into the question of the working of the Imperial Bank ?

The Honourable Sir George Schuster : No.

EFFECT OF THE BURMESE REBELLION ON INDIAN INVESTMENTS IN BURMA.

131. ***Mr. Gaya Prasad Singh** (on behalf of Mr. T. N. Ramakrishna Reddi) : (a) Have Government considered the effect of the rebellion in Burma on the investments made by Indians in that country in relation to the policy pursued by the Imperial Bank and by other Banks regarding payment of advances made by them to their constituents ?

(b) Have Government considered any proposal for declaring a moratorium during the period of the rebellion in Burma and for some time thereafter till normal conditions are evolved, and have Government, in this connection, considered the proposal that the moratorium should include the banks of the country ?

The Honourable Sir George Schuster : (a) Government realise that rebellion in Burma may have had some influence on the relations between the Banks in Burma and their constituents, but they see no reason for State interference.

(b) No.

RETRENCHMENT AT THE DEHRA DUN FOREST COLLEGE.

132. ***Mr. Bhuput Sing :** Will Government be pleased to state :

(a) whether it is a fact that there has been no recruitment this year to the Dehra Dun Forest College for the Imperial Forest Service ; if so, (i) the reason for arriving at such a decision ; (ii) the manner in which the staff—who would have otherwise occupied themselves with the candidates to have been recruited—are employed and (iii) whether still the normal grant is to be maintained for the Dehra Dun Forest College this year ; and

(b) whether any retrenchment has been made or any such scheme prepared for that institution ; if so, the names of departments which are to be affected by the retrenchment scheme so prepared ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). No competitive examination for the Indian Forest Service has been held this year as no vacancy is likely to occur in 1933 to which a probationer, if recruited this year by competition, could be appointed after the usual training of two years at the Forest College, Dehra Dun. There are still two classes consisting of students who were admitted in 1929 and 1930. The staff is, therefore, fully employed. The question whether the College should be continued is under consideration. Expenditure on contingencies and miscellaneous charges has already been reduced as a measure of economy.

Mr. Gaya Prasad Singh : Is there any truth in the report that Government have already decided to close down the Dehra Dun Forest College as a measure of retrenchment ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The matter has not yet been decided. It is under consideration.

POWER HOUSES ON THE EAST INDIAN RAILWAY AND THE OFFICERS IN CHARGE OF THEM.

133. *Mr. Bhuput Sing : Will Government be pleased to state :

- (a) the total number of power-houses on the East Indian Railway ;
- (b) the names of stations where such power-houses exist ;
- (c) in how many of them the Officer-in-charge is (i) Indian, (ii) Statutory Indian, and (iii) European ;
- (d) the name of the officer under whose superintendence and direction the power-house at Jhajha was recently constructed ; and
- (e) the academical and special qualifications of that officer ?

Mr. A. A. L. Parsons : (a) 18.

- (b) (1) Jamalpur.
- (2) Lillooah.
- (3) Giridih.
- (4) Lucknow.
- (5) Tundla.
- (6) Asansol.
- (7) Ondal.
- (8) Pathardihi.
- (9) Jhajha.
- (10) Dhanbad.
- (11) Moghalserai.
- (12) Gaya.
- (13) Jasidih.
- (14) Barakar.
- (15) Raneegunge.
- (16) Pannagar.
- (17) Kiul.
- (18) Hazaribagh.

(c) 16 Power Stations are in charge of Indian Officers and 2 in charge of Statutory Indian Officers.

(d) Mr. P. D. Low ; and

(e) Chartered Electrical Engineer (Associate Member of the Institute of Electrical Engineers).

MILITARY TELEGRAPHISTS EMPLOYED ON CIVIL DUTIES.

134. *Mr. Bhuput Sing : Will Government be pleased to state :

- (a) the total number of military telegraphists who are working on the civil side of the Posts and Telegraphs Department ;
- (b) the purpose or purposes for which such telegraphists are kept for work and training on the civil side ;

- (c) the pay and allowances to which they are entitled ;
- (d) whether their pay and allowances are debited to the civil budget ; and
- (e) the hours of duties they are required to put in daily ?

Sir Hubert Sams : (a) 97.

(b) To have available a regular supply and reserve of fully trained Army signallers for military requirements.

(c) Military telegraphists are entitled to their military pay and allowances *plus* a departmental allowance ranging from Rs. 1-4-0 to Rs. 3-8-0 a day according to their proficiency and length of service in departmental telegraph offices.

(d) The Civil Budget bears only a sum calculated as representing the actual value to the Posts and Telegraphs Department of the Military telegraphists' services. The balance of their pay and allowances is borne by the Army.

(e) The same as for Civil telegraphists, namely, 8 hours day work, 7 hours evening work, and 6 hours night work.

REPRESENTATION OF MUSLIMS IN THE ELECTRICAL BRANCH OF THE NORTH WESTERN RAILWAY.

135. ***Seth Haji Abdoola Haroon :** (a) Has the attention of Government been drawn to an article under the heading "Reduction in Electrical Branch", published in the *Muslim Outlook* of Lahore in its issue of the 20th May 1931 ?

(b) Is it a fact that in the cadre of gazetted officers and subordinates consisting of out-door supervisors, Foremen, Assistant Foremen and Train Lighting Inspectors in the Department all are non-Muslims ?

(c) If so, will Government be pleased to state on what ground has the above practice been adopted by the authorities concerned ?

(d) Is it a fact that since the opening of the above Branch, the posts of supervising staff have become the monopoly of non-Muslims ?

(e) Are Government aware that junior subordinates, who are Mussalmans, are being put to the hardest possible test and every effort is being made to prove them unfit with a view to reduce their pay or to discharge them from service ?

(f) What action do Government propose to take to stop further injustice being done to the Mussalmans and to redress their complaints and grievances above named ?

Mr. A. A. L. Parsons : (a) The Honourable Member presumably refers to the article on the subject which appeared in the paper in its issue dated the 23rd May, 1931, which Government have seen.

(b) Yes.

(c) The present Supervisors, Foremen, Assistant Foremen and Train Lighting Inspectors have been promoted from lower grades. Selections for promotions are made irrespective of race, community or creed. The rules for recruitment for the lower grades from which promotions are made provide adequate safeguards in the interests of communities inadequately represented.

(d) No.

(e) No, this is not so.

(f) The attention of the officer appointed on special duty to assist in carrying out the policy of Government with a view to securing adequate representation of Muslims and other minority communities has been drawn to the article in the *Muslim Outlook*.

PURCHASE BY GOVERNMENT OF THE BENGAL AND NORTH WESTERN RAILWAY.

136. ***Seth Haji Abdoola Haroon** : (a) Are Government aware that under the agreement with the Bengal and North Western Railway, the Secretary of State for India has an option to purchase the Railway on the 31st December 1932 on giving 12 months' previous notice ?

(b) Is it a fact that the next option to take over the line under the agreement with the Railway does not occur for a period of 50 years, that is until 1982 ?

(c) Are Government aware that this Railway has in recent years distributed ordinary dividends including bonus as under :

1922-23 at 11 per cent.

1923-24 at 13 per cent.

1924-25 at 14 per cent.

1925-26 at 16 per cent.

1926-27 at 18 per cent.

1927-28 at 19 per cent.

1928-29 at 19 per cent.

(d) Are Government aware that in addition to paying the above dividends the Company's reserves have within the last six years been increased from £1,800,000 to £3,150,000, being actually in excess of its ordinary capital which is £300,000 ?

(e) Is it a fact that various public bodies have drawn the attention of Government to the prosperous condition of this Railway as revealed by the figures quoted in parts (c) and (d) above, and advocated the purchase of this Railway by Government under the option referred to in part (a) ?

(f) Will Government be pleased to state what action they have taken or propose to take in the matter ?

Mr. A. A. L. Parsons : (a) Yes.

(b) The next option is 49 years later, in 1981.

(c) Yes. I would point out, however, that the ordinary (profit sharing) capital of the Company is only £3 million whereas the total capital outlay is over £8 million, the balance being met from preference capital, debentures and reserves.

(d) This is correct, taking all reserves, including sinking and other similar funds together.

(e) Yes.

(f) A Resolution on the subject will be placed before the Assembly in the course of the present session.

**GRANT OF ADVANCE INCREMENTS TO ACCOUNTANTS IN THE STATE RAILWAY
ACCOUNTS AND AUDIT DEPARTMENTS.**

137. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state the principles governing the grant of advance increments to accountants of the State Railway Accounts Department ?

(b) Is the grant of advance increments to accountants of the State Railway Audit Department, governed by the same principles ?

(c) Will Government be pleased to furnish :

(i) the number of cases in which advance increments have been given to accountants of the Accounts Department and the number of such increments given in each case from 1st October 1928 to date ; and

(ii) similar information in respect of accountants of the State Railway Audit Department, for the same period ?

(d) Is it a fact that some advance increments were given to Mr. P. G. Bhandari, accountant of the Accounts Department ; if so, how many ?

(e) Is it a fact that Mr. Bhandari has failed to pass the accountant's examination twice ?

(f) Is it a fact that in the Audit Department appointment or promotion to the rank of accountant takes place after passing the examination ?

(g) Is it a fact that in the Audit Department there are men with qualifications similar to or better than those of Mr. Bhandari who are not given advance increments ?

(h) Will Government please state reasons for adopting an unusual course in the case of Mr. Bhandari ?

Mr. A. A. L. Parsons : (a) Advance increments are generally granted when the work of a person justifies such a reward. Occasionally they are given to save persons from unintended loss which they would suffer by the strict operation of the rules.

(b) Yes.

(c) (i). Seven. In two cases, 5 increments were given ; in one case 3 ; in one case 2 ; and in three cases, one.

(ii) One case of one increment.

(d) Yes. Five.

(e) Yes.

(f) Yes, except in the case of probationers who however have to pass an examination before confirmation.

(g) and (h). I am not in a position to answer the question, but Mr. Bhandari was given advance increments partly to save him from unmerited loss and partly because of his high qualifications and the excellent manner in which he discharged the very responsible duties which were entrusted to him.

**DISCHARGE OF MUSLIMS FROM THE NORTH WESTERN RAILWAY ACCOUNTS
OFFICE.**

138. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state if it is a fact that some clerical staff was discharged in the North Western Railway Accounts Office in May 1931 ?

(b). Is it a fact that Mr. Judge, Chief Accounts Officer, took into consideration the existing paucity of Muslims in his office and therefore discharged only a few Muslims in the first instance ?

(c) Is it a fact that he was sent for by the higher authorities at Simla ?

(d) Is it a fact that he was instructed to reverse the policy and discharge a larger number of Muslims ?

(e) Is it a fact that in the batch of men discharged from the 1st July 1931, after Mr. Judge came back from Simla, there were five Muslims and only one or two Hindus ?

(f) Will Government please state the percentage of Muslim subordinate staff, permanent and temporary together, in the General Branch of the Chief Accounts Officer's office to the total number of subordinate staff (clerks and accountants) in that branch on 1st March 1931 and 2nd July 1931, separately ?

Mr. A. A. L. Parsons : (a) Yes.

(b) Yes.

(c) No. But he had a discussion with the Controller of Railway Accounts on this matter when he was in Simla on other business.

(d) There was no question of reversing any policy. It was, however, pointed out to the Chief Accounts Officer that in making his discharges he had not taken into account the existence of a number of purely temporary employees who had not passed the requisite qualifying examination for admission to the Railway Accounts Department

(e) Yes. These were some of the purely temporary employees to whom I have referred.

(f) On the 1st of March, 1931, 18.68 per cent. and on the 2nd July, 1931, 18.16 per cent. I should like to add that in discharging the temporary staff the interests of Muslims and other minority communities were safeguarded by the rule that the members of the minority communities discharged should not exceed one-third of the total number discharged.

APPOINTMENT OF APPRENTICE MECHANICS ON THE EAST INDIAN RAILWAY.

139. ***Seth Haji Abdoola Haroon :** (a) Is it a fact that the East Indian Railway advertised for apprentice mechanics in April 1931, or thereabout ?

(b) If so, how many men were appointed ?

(c) Will Government kindly give the number of men appointed by communities ?

Mr. A. A. L. Parsons : (a) Yes.

(b) 44.

(c) Anglo-Indians	..	..	..	..	20
Hindus	..	..	..	..	20
Muhammadans	..	..	..	..	4

OFFICERS OFFICIATING IN THE LOWER GAZETTED SERVICE OF STATE RAILWAYS.

140. ***Seth Haji Abdoola Haroon :** Will Government please state the number of officers officiating in the lower gazetted service on all State Railways by communities ?

Mr. A. A. L. Parsons : The figures are as under :

Europeans and Anglo-Indians	..	..	102
Hindus	..	..	24
Muslims	..	..	2
Indian Christians	..	..	2

RETRENCHMENT ON THE RAILWAYS.

141. ***Seth Haji Abdoola Haroon :** (a) Will Government please state if it is a fact that staff near the age of retirement have on some Railways been asked to proceed on leave preparatory to retirement ?

(b) Is it a fact that on the North Western Railway the staff who have actually proceeded on leave are mostly Muslims and Hindus have been exempted ?

Mr. A. A. L. Parsons : (a) Yes, but only when their posts were brought under reduction.

(b) No.

(c) Government issued general instructions on the point in March last which apply equally to all State Railways and all communities.

RETRENCHMENT ON THE NORTH WESTERN RAILWAY.

142. ***Seth Haji Abdoola Haroon :** Will Government be pleased to lay on the table a statement showing the total number by communities of :

(i) staff whose pay has been reduced permanently, and

(ii) staff discharged on account of retrenchment on the North Western Railway ?

Mr. A. A. L. Parsons : Statements giving the required information are laid on the table.

Statement showing by communities the total number of men whose posts were abolished on the North-Western Railway in connection with the recent retrenchment and who have accepted posts on lower pay as an alternative to discharge.

Europeans	..	..	..	..	..	3
Anglo-Indians	..	..	..	..	..	19
Hindus	..	..	..	..	..	501
Muslims	..	..	..	..	..	533
Sikhs	..	..	..	..	..	84
Indian Christians	..	..	..	..	..	9
Other classes	..	..	..	..	..	8

1,157

Statement showing staff discharged on account of retrenchment on the North Western Railway up to the 9th July 1931.

Particulars.	Euro- peans.	Anglo- Indians.	Hindus.	Muslims.	Others.	Total.
Distribution on 1st March 1931.	721	1,074	42,522	69,316	9,789	123,422
Retrenchment from 1st March to 9th July 1931.	2	22	2,894	5,706	629	9,253
Distribution on 10th July 1931.	719	1,052	39,628	93,610	9,160	114,169
Percentage on 1st March 1931.	·58	·87	34·46	56·16	7·93	
Percentage on 10th July 1931.	·63	·92	34·71	55·71	8·03	

SUPERVISION OF FEMALE LABOUR IN FACTORIES.

143. *Mr. C. S. Ranga Iyer : (a) Has the attention of Government been drawn to the recommendation of the Royal Commission on Labour in India, viz., " that where women are engaged in substantial numbers, there should invariably be employed at least one educated woman in charge of their welfare and supervision throughout the factory " ?

(b) In how many factories does such female supervision exist at present ?

(c) In how many factories is such supervision non-existent ?

(d) Do Government propose to give effect to the said recommendation of the said Royal Commission ? If so, when and how ?

Mr. J. A. Shillidy : With your permission, Sir, I propose to answer questions Nos. 143—149 together as they refer to recommendations made by the Royal Commission on Labour. The Report of the Commission, which was published on the 2nd July 1931, is receiving the careful consideration of Government, but in this short space of time it has not been possible to arrive at a decision on any of the recommendations of the Commission. The Government of India are about to write to Local Governments with regard to the examination of the Report.

2. The statistical information desired by the Honourable Member in parts (b) and (c) of his question No. 143 is not available, and with reference to part (b) of his question No. 149, the reason for not convening any conference of Chief Inspectors of Factories since 1924 is that there has been no manifest demand for such a conference.

RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR IN REGARD TO UNEMPLOYMENT.

†144. *Mr. C. S. Ranga Iyer : (a) Has the attention of Government been drawn to the recommendation of the Royal Commission on Labour in India, *viz.*, that " Government should examine the possibilities of making preparations to deal with unemployment when it arises and of taking action where it is now required " on the lines of the system devised to deal with famine in rural areas ?

(b) What steps have the Government taken in the said direction after the publication of the said Commission's Report ?

(c) What steps do the Government propose to take and when ?

RECOMMENDATIONS OF THE ROYAL COMMISSION ON LABOUR REGARDING HOURS OF WORK IN FACTORIES.

†145. *Mr. C. S. Ranga Iyer : (a) Are Government aware that the Royal Commission on Labour in India have recommended that the weekly limit of hours for perennial factories should be reduced to 54 and the daily limit to 10 ?

(b) If the reply to part (a), be in the affirmative, will Government be pleased to state whether they propose to give effect to the recommendations of the said Royal Commission ? If so, when ? If not, why not ?

PROTECTION FOR ADOLESCENT LABOUR IN FACTORIES.

†146. *Mr. C. S. Ranga Iyer : (a) Will Government be pleased to state whether they intend to give effect to the recommendations of the Royal Commission on Labour in India, *viz.*, (i) that persons between the ages of 15 and 16 years should not be employed as adults in factories unless they are in possession of medical certificates of physical fitness for adult employment ; (ii) that such persons should not be employed during the night hours ; and (iii) that such persons should in no case be exempted from the provision relating to spread over ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether, and if so, when they propose to introduce a Bill to give legal protection to the adolescents ?

APPOINTMENT OF WOMEN FACTORY INSPECTORS.

†147. *Mr. C. S. Ranga Iyer : Will Government be pleased to state if they propose to introduce women factory inspectors of Indian domicile, not less than 25 years of age, in every province ? If so, when ; if not, why not ?

FACTORY INSPECTION.

†148. *Mr. C. S. Ranga Iyer : Will Government be pleased to state if they propose to separate boiler inspection from factory inspection and Ajmer-Merwara and Delhi from the Punjab for inspection purposes ? If so, when ? If not, why not ?

†For answer to this question, see answer to starred question No. 143.

ANNUAL CONFERENCES OF CHIEF INSPECTORS OF FACTORIES.

†149. ***Mr. C. S. Ranga Iyer :** (a) Do Government propose to hold annual conferences of Chief Inspectors of Factories either in Simla or Delhi ? If so, when ? If not, why not ?

(b) Why was no conference convened since 1924 ?

ILLNESS AND TREATMENT OF MR. IHSAN ILAHI, A DETENUE UNDER REGULATION III OF 1818.

150. ***Mr. Jagan Nath Aggarwal :** (a) Are Government aware that Mr. Ihsan Ilahi, a State detainee under Regulation III, 1818, who is at present confined in Lahore Central Jail, contracted complicated diseases since his confinement in jail ? If so, will Government be pleased to state what steps have been taken for his proper treatment ?

(b) Is it a fact that Hakim Noor Ilahi, the brother of the detainee, who himself is a qualified medical practitioner, applied twice to the authorities that Dr. Gopi Chand Bhargava, M.B., B.S., and Dr. Satya Pal, M.B., B.S., two well-known doctors of Lahore might be permitted to visit Mr. Ihsan Ilahi with a view to examine him medically, but that the request was refused on both the occasions ? If so, why ?

(c) Are Government prepared to issue instructions to the effect that the detainee may have access to and consultation with his medical advisers and use the medicines prescribed by them ?

(d) Are Government aware that Hakim Mohammad Hussan Kureshi, Principal, Tibbia College, Lahore, examined Mr. Ihsan Ilahi in June and gave it as his opinion that Ihsan Ilahi was ill as the result of the confinement, that he should not be segregated and that he required particular attention ?

(e) Are Government aware that Mr. Ihsan Ilahi, is practically kept in solitary confinement and is not allowed to remain in the company of other people ?

(f) Will Government please lay on the table the result of the inquiry of the Sessions Judges appointed to inquire into the case against the detainee ? If not, will Government please give reasons for the same ?

(g) Are Government aware that Mr. Ihsan Ilahi was not given an opportunity of appearing before the Sessions Judge and explaining his position and defending himself ? If so, why ?

(h) Will Government be pleased to state why the legal adviser of Mr. Ihsan Ilahi, was not allowed to have an interview out of the hearing of the C. I. D. officials after Government had announced their intention of appointing two Sessions Judges for inquiring into the cases of the detainees ?

(i) Is it a fact that the applications for interview submitted by the relatives or friends of Mr. Ihsan Ilahi are not attended to for a long time ?

(j) Are Government aware that the correspondence of Mr. Ihsan Ilahi is inordinately delayed ? Are Government prepared to issue instructions that this delay should not take place ?

†For answer to this question, see answer to starred question No. 143.

The Honourable Sir James Crerar : (a) The answer to the first part is in the negative. The second part does not arise.

(b), (c) and (d). My information is that in June last a brother of the prisoner was allowed to take Hakim Mohamed Hussain Qureshi to see and examine Mr. Ihsan Elahi. The Hakim made no report or recommendation to the Medical Officer of the Jail or to any other official, and subsequent requests by two other doctors to be allowed to see the prisoner were refused. If the prisoner submits a representation, it will be considered.

(e) The prisoner is not kept in solitary confinement, but has complained of lack of companionship. This complaint is under consideration.

(f) The report is a confidential document and I regret that I am unable to lay it on the table.

(g) Written charges were framed against the State Prisoner and his replies were recorded in writing in accordance with the procedure mentioned in parts (c) and (d) of my reply to the Honourable Member's question No. 783 on the 2nd March last. The Regulation under which the State Prisoner is confined makes no provision for any appearance before or examination by the Sessions Judge.

(h) Under the rules a police officer has to be present at all interviews.

(i) Applications for interviews submitted by relatives are attended to with as little delay as possible. The Superintendent of the jail has instructions to forward all such applications expeditiously for orders.

(j) After careful enquiry the Government of India are satisfied that Mr. Ihsan Elahi's correspondence has been delivered without avoidable delay. Instructions already exist that such correspondence should receive immediate attention.

Mr. Jagan Nath Aggarwal : Do I understand the Honourable Member to say that if the Regulation does not provide for a person to be represented before the Sessions Judge inquiring into his case he has no right to appear there ?

The Honourable Sir James Crerar : No ; he has no right under the Regulation.

Mr. Jagan Nath Aggarwal : Is it not a part of natural justice to allow a man to defend himself before the judges who are inquiring into his case ?

The Honourable Sir James Crerar : As I have already explained, when cases are laid before Judges a State prisoner has the fullest opportunity of submitting his replies to the charges in writing.

Dr. Ziauddin Ahmad : Is this a just rule in 1931 ?

Mr. Jagan Nath Aggarwal : Since when have the Government of India come to subscribe to such a rule that a man shall not be present before the person inquiring into his case but that he can only submit representations ?

The Honourable Sir James Crerar : I cannot add to the reply I have already given on that point, I am afraid.

Mr. Lalchand Navalrai : Is there any such rule in England or any other civilised country ?

Dr. Ziauddin Ahmad : How long was he kept in solitary confinement ?

The Honourable Sir James Crerar : He has not been kept in solitary confinement.

TRAINING SCHOOL FOR RAILWAY ACCOUNTS IN CALCUTTA.

151. ***Mr. Jagan Nath Aggarwal :** Will Government be pleased to state :

- (a) if it is a fact that on the eve of the separation of Audit and Accounts in the Railway Department a Training School for Railway Accounts was started in Calcutta and it cost the Railway Department a large sum of money, almost a lakh of rupees, to run it for a period of ten months ;
- (b) if it is a fact that students for that School were recruited from the different Railway Audit and Accounts Offices as well as from outside ;
- (c) what was the criterion of recruitment from outside, whether it was open competition or influence ; and
- (d) what was the number of such outside students and how many of them passed the school examination ?

Mr. A. A. L. Parsons : (a) Yes, the cost was Rs. 86,000.

(b) Yes.

(c) Neither candidates were selected on the basis of qualifications.

(d) Eight men were recruited from outside and four passed the examination.

PROMOTION OF RAILWAY ACCOUNTANTS

152. ***Mr. Jagan Nath Aggarwal :** Will Government be pleased to state :

- (a) if it is a fact that all the students of the Training School for Railway Accounts, Calcutta, were given to understand that on their passing the school examination they would be eligible for promotion to the rank of accountants, grade II ;
- (b) if it is a fact that all the successful students recruited from outside were promoted as accountants on the Eastern Bengal Railway immediately on their passing the school examination and all of them are working as such up to the present day ;
- (c) what were the reasons for posting all the successful outsiders on the Eastern Bengal Railway only ; whether it was to keep them secure from reversions ;
- (d) if similar steps are taken by the accounts administration to secure the interests of departmental men in the matter of being promoted as accountants or if it is a fact that in cases out of number they had actually to wait for such promotion ;
- (e) if it is a fact that successful students, other than outsiders, even if they had long service and experience to their credit,

have not so far been promoted or if promoted in some cases, had actually worked as accountants for a short time only ;

(f) if it is a fact that out of the 56 students of the school only 19 passed in the first attempt after obtaining 66 per cent. marks and only 4 passed in the second attempt ; and

(g) if it is to be understood that the success of only 23 out of the 56 students of the school is due to a stiff standard of examination which required a high standard of efficiency ?

Mr. A. A. L. Parsons : (a) The Honourable Member is referred to my answer to starred question No. 448 asked by K. B. Sarfaraz Hussain Khan on the 6th March 1930.

(b) Yes.

(c) Because there were vacancies on the Eastern Bengal Railway. The suggestion in the concluding portion of the Honourable Member's question is incorrect.

(d) Vacancies are filled up primarily with reference to administrative exigencies and not with reference to the interest of particular persons.

(e) Yes. Because accountants on probation and men who had passed higher qualifying examinations had to be provided first.

(f) Yes.

(g) No doubt if the standard of the examination had been lower, more candidates would have passed and the standard of efficiency required would not have been attained.

PROMOTION OF RAILWAY ACCOUNTANTS.

153. ***Mr. Jagan Nath Aggarwal :** Will Government be pleased to state :

(a) if it is a fact that only recently the Controller of Railway Accounts has instructed the various Railway Accounts Offices that men who have passed the Training School for Railway Accounts examination should not be considered at par with those who pass the Appendix " D " or part II examination for the purpose of promotion to accountants, grade II, i.e., men who have passed the Appendix " D " or part II examination should be promoted as accountants grade II in preference to those who passed the school examination ;

(b) if it was the intention originally when starting the school that the qualification of passing the school examination would be inferior to that of passing the Appendix " D " or part II examination for the purpose of promotion to accountant, grade II ;

(c) if answers to the parts (a) and (b) above are in the negative, whether Government are prepared to issue clear instructions to the Railway Accounts Offices that, other things being equal, the successful students of the Training School should be promoted to the rank of accountants, grade II, according to their legitimate position in the seniority list along with the other qualified men ; and

- (d) if the answers to parts (a) and (b) above, are in the affirmative, whether Government will be pleased to explain the reasons for spending a large sum of tax-payers' money (almost a lakh) in running the school, when its successful students were not to be ranked equal with other qualified men for the purpose of promotion to accountant, grade II at least ?

Mr. A. A. L. Parsons : (a) No. The orders are that of two qualified men with the same substantive pay and length of service the person who has passed the Appendix D or Part II examination should be considered senior to the other who has only passed the Appendix E. Examination.

(b), (c) and (d). The school was started because of the insufficiency of qualified men for filling accountant's posts in the separated accounts offices. To be on the safe side a larger number of men had to be trained than there were vacancies. The standard of the examination was tentative. The examination ultimately prescribed as a permanent measure is the examination prescribed in Appendix D. and in Part II of the Subordinate Accounts Service Examination, both of which required very close knowledge of departmental details, and are much stiffer than the original tentative examination. Orders have been issued making efficiency the primary criterion for promotion.

PROMOTION OF RAILWAY ACCOUNTANTS.

154. ***Mr. Jagan Nath Aggarwal :** (a) Will Government be pleased to state the number of unqualified men working as accountants, grade II in each Railway Accounts Office, together with the dates of their appointment as such in each case ?

(b) Were their appointments as accountants, grade II, made on the condition that they must pass the qualifying examination within a specific time, or their services would be dispensed with ?

(c) How many of them have passed the Accountants' examination since their appointment ?

(d) Has any action been taken against those unqualified accountants who have not fulfilled the above condition ?

Mr. A. A. L. Parsons : (a) and (b). Presumably the Honourable Member is referring to accountants appointed on probation whose retention in service and confirmation as accountants is subject to their passing the qualifying examination. If so, there are three such men one of whom was appointed in August 1928 and the other two in 1929.

(c) None.

(d) The time limit within which they were required to pass the examination has not yet expired.

PROMOTION OF RAILWAY ACCOUNTANTS.

155. ***Mr. Jagan Nath Aggarwal :** (a) Is it a fact that before the separation of Audit and Accounts in the Railway Department outsiders were not appointed as accountants, grade II, and never were they confirmed as such, unless they passed the qualifying examination ?

(b) Will Government please state whether after the separation a departure was made from the old practice in appointing unqualified men as accountants in the first instance? If so, why?

(c) Are Government aware that the appointment of such unqualified men as accountants is a cause of heart-burning to those who have qualified themselves for the post of accountants and who have not so far been provided, because, a large number of accountants' posts are held by unqualified men?

(d) Is it a fact that these unqualified men, are given chances after chances to pass the examination in spite of their failure to do so within two years?

(e) Were these unqualified accountants recruited through an open competition as hitherto had been the practice, *viz.*, to recruit probationary accountants before the separation, or otherwise?

(f) Is it a fact that out of the 16 permanent posts of accountants, grade II, on the North Western Railway at least seven are being held by such unqualified persons?

(g) Is it a fact that under the stress of the economy campaign or under any other circumstances these unqualified accountants are not reverted from the position of accountants in preference to the other qualified men? If so, are Government prepared to issue necessary instructions so that the interest of the qualified men are safeguarded in preference to those of unqualified men, whenever chances of reversion arise?

Mr. A. A. L. Parsons : (a) Outsiders were appointed as probationary accountants, but they were not confirmed until they had passed the departmental examination.

(b) It is not clear what departure the Honourable Member is referring to. With the separation of audit from accounts the Auditor General withdrew a number of men, filling posts of Accountants prior to separation, for employment in the new audit offices created after the separation. Their places were taken by :

(1) Temporary accountants recruited on the East Indian Railway during the experimental period of the separation scheme, whose work had been found satisfactory.

(2) Accountants appointed on probation in the experimental accounts offices under the Financial Commissioner's control.

(3) Passed students of the Training School at Calcutta, and

(4) Clerks who qualified by passing the prescribed examination.

(c) Government do not look upon the men appointed otherwise than on the result of examination as unqualified.

(d) Does not arise.

(e) No. There was no competitive examination during the experimental period of the separation scheme.

(f) No.

(g) As passing an examination has not been the sole qualification for appointment as accountant in the Railway Accounts Department the question of issuing the instructions suggested by the Honourable Member does not arise.

SALARIES OF EUROPEAN AND INDIAN RESEARCH WORKERS.

156. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the following statement made by the President of the 7th All-India Medical Conference, held at Poona, in April, 1931, in his Presidential address :

“ Though it is boasted that the Indian Research Fund Association employs as many as 62 Indians on the Research side as against 12 Europeans, on working out the details in the way of salaries, allowances over-sea pay, leave and pension contributions, &c., I find that the 12 European Officers cost the Indian Research Fund Association something over Rs. 25,000 a month, while the 62 Indians cost likewise just under that amount. The European Research worker is thus paid on an average five times more than an Indian Officer under the same research organisation.”

(b) Will Government be pleased to submit a statement showing the work done by the Indian and European research workers, respectively, paid out of the funds of the Indian Research Fund Association, during the course of the last three years, which would justify such marked disparities in their emoluments ?

(c) Do Government propose to instruct the Governing Body of the Indian Research Fund Association, (i) so to regulate its grants that as little money is spent on large salaries as possible ; and (ii) that research is encouraged at Medical Colleges and Universities throughout the country, by granting as many Research Fellowships as possible with a view to encouraging young medical graduates in undertaking investigations, as recommended by the Conference of the representatives of the Government, the Central Legislature, the Medical Faculties, the Indian Medical Association and non-medical scientists, held in Simla on the 21st and 22nd July, 1930 ?

(d) Will Government be pleased to state their conclusions on the several resolutions, and particularly the one relating to the widening of constitution of the Governing Body, Indian Research Fund Association with a view to ensuring a larger representation of non-official medical and scientific bodies on the same, passed by the Conference held in Simla on the 21st July referred to in part (c) above ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes, the House would perhaps like to be told that the number of Europeans and Indians working under the Indian Research Fund Association at present is 9 and 77, respectively, and the total monthly salaries drawn by Europeans and Indians, respectively, are Rs. 16,540 and Rs. 29,500.

(b) Enquiries conducted under the auspices of the Indian Research Fund Association are not as a rule done by European and Indian workers separately, but together ; it is not therefore possible to prepare such a statement.

(c) (i). It is not necessary to do so. It is a well understood principle of sound administration that best return for investment should be secured.

(ii) The question of creating Medical Research Fellowships is under consideration.

(d) Government have not yet reached final decisions on all the recommendations of the Conference and hope to publish an announcement shortly.

RECRUITMENT FOR THE MEDICAL RESEARCH DEPARTMENT.

157. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that on the 8th February, 1930, Mr. M. R. Jayakar moved a Resolution in this

House, recommending the appointment of a committee, to inquire into and report on (i) the most suitable University centre for the establishment of the Central Medical Research Institute; (ii) the constitution of the Governing Body of the Indian Research Fund Association; and (iii) recruitment of the Medical Research Department; and that in reply to that debate, Sir Frank Noyce, while agreeing to convene a Conference to discuss the above points, said as follows:

“ To that Conference Government are also willing to refer for consideration the two other questions which have been raised in the resolution, viz., the constitution of the Governing Body of the Indian Research Fund Association, and the question of recruitment of the Medical Research Department ” ?

(b) Are Government aware that in spite of the above assurance, Sir Frank Noyce, as Chairman of the Conference, which was convened on the 21st and 22nd July, 1930, in pursuance of the above undertaking, ruled out of order the question of the recruitment of the Medical Research Department on the plea that the Secretary of State had already passed orders for the reservation of posts in the Medical Research Department for I. M. S. officers ?

(c) When did the Secretary of State pass the orders referred to above; and why was the solemn undertaking given on behalf of the Government on the floor of this House, not allowed to be carried out, and the Conference was shut out from discussing this particular question ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes.

(b) The only question which was ruled out of order was that of the reservation of certain posts in the Medical Research Department for members of the Indian Medical Services.

(c) The orders of the Secretary of State regarding the reservation of certain posts in the Medical Research Department for members of the Indian Medical Service were issued in May, 1928. No undertaking was given that they would be open to discussion, and when the point was raised at the conference it was held that it was beyond the terms of reference to it.

FREQUENT CHANGE OF DIRECTORS OF THE HAFKINE INSTITUTE, BOMBAY.

158. *Mr. Gaya Prasad Singh : Will Government be pleased to state :

(a) if the Director of the Haffkine Institute, Bombay, is appointed by or on the recommendation of the Department of Education, Health and Lands ;

(b) if it is true that eight different I. M. S. Officers acted as Directors of that Institute during the course of nine years, from January 1921 to December 1929, there being 11 changes of Directorships during this period, and on eight out of these 11 occasions the Directorship was held by different officers for periods of not more than 10 months' duration at a time ; and

(c) if so, will Government be pleased to explain why such frequent changes were permitted, and if such changes are conducive to efficiency ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Appointments to the post of Director, Haffkine Institute, Bombay, are made by the Governor General in Council.

(b) Yes, except that the post was held on four occasions by the same officer for 10 months or more.

(c) The frequent changes have been due to leave or to the selection of incumbents of the post for other important duties. Such changes are peculiarly liable to happen in the case of a department with as small personnel as the Medical Research Department. These particular changes could not be avoided ; every effort, however, will be made to reduce them in the future.

RAILWAY INDIANISATION.

159. ***Mr. Lalchand Navarai :** (a) Has the attention of Government been drawn to an editorial under the heading, " A retrograde move in the Railway Indianisation " published in the *Sind Observer* of the 15th July, 1931 ?

(b) Is it a fact, as stated therein, that the policy of 50 per cent. Indianisation was changed to 85 per cent. of European guards, 10 per cent. of station masters and 5 per cent. by direct recruitment in the control system ?

(c) Is it a fact, as stated therein, that 4 of the station master's cadre have been reverted from the Control Department ?

Mr. A. A. L. Parsons : (a) Yes.

(b) No such policy, as that referred to by the Honourable Member, has been laid down for the subordinate establishment. The policy generally followed is to recruit subordinate staff in all classes and grades in India with the exception of a few specialists who are not available in the country.

(c) If the Honourable Member refers to men permanently promoted to posts in the Control Branch, the reply is in the negative.

APPOINTMENT OF GUARDS TO THE CONTROL SYSTEM ON THE NORTH WESTERN RAILWAY.

160. ***Mr. Lalchand Navarai :** (a) Will Government be pleased to state if the guards hitherto transferred to the control system on the North Western Railway had ever worked as station masters or assistant station masters ?

(b) If so, which of them ? If not, how do Government justify taking up such guards on the control system ? Is that work supposed to be the duty of station masters ?

Mr. A. A. L. Parsons : (a) All guards and other staff transferred to the control system on the North Western Railway have to be qualified in Assistant Station Masters' duties. Many of the guards who have become Controllers have worked as Assistant Station Masters before their transfer to control work.

(b) The information for which the Honourable Member asks is not obtainable ; but I may mention that he is mistaken in thinking that control work is the duty of Station Masters. Guards, as well as Station Masters, have been utilised for this work ever since the system was introduced.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say if the guards ever worked as Station Masters before this control system was instituted ?

Mr. A. A. L. Parsons : I should like to have notice of that question.

**SAVINGS BANK, CASH CERTIFICATE AND GOVERNMENT SECURITY WORK
IN POST OFFICES.**

161. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state the number of (i) clerks, (ii) supervisors, (iii) inferior staff employed in (1) Post Offices and (2) Audit Offices for performance of Savings Bank, Cash Certificate, and Government Security work in the Indian Posts and Telegraphs Department for the year ending 31st March, 1931 ?

(b) Will Government be pleased further to state the amount expended on each head for the following purposes :

(i) Pay, (ii) leave provision, (iii) pensionary charges, (iv) travelling, (v) stationery, printing and contingency ?

(c) What amount has been paid to the Post Office for the performance of (i) Savings Bank, (ii) Cash Certificate, and (iii) Government Security business ?

Sir Hubert Sams : (a) and (b). It is not possible to furnish figures on these points, as work in connection with the Savings Bank, Cash Certificates and Government Securities is done for the most part along with other Postal work.

(c) The credits received in the Budget for 1931-32 are for (i) and (iii) Rs. 42 lakhs, and (ii) Rs. 3,38,000, approximately.

**INCOME AND EXPENDITURE OF THE POSTS AND TELEGRAPHS DEPARTMENT
FROM AIR MAIL.**

162. ***Mr. S. C. Mitra :** Will Government please supply the following information :

(1) total income of the Postal and Telegraphs Department on account of air mails in the year 1930-31 ;

(2) total amount expended for (i) printing circulars and other posters, (ii) employment of staff, (iii) conveyance, and (iv) subsidy to the Imperial Airways flying between Karachi and London during the year 1930-31 and to the Indian State Air Service in the same year ?

Sir Hubert Sams : (1) Statistics are not kept of the actual amount of postage realised on air mail articles, but from the weight of mails carried, it is estimated that the income of the Posts and Telegraphs Department from air mails in the year 1930-31 was about Rs. 5,26,000.

(2) During 1930-31 the total amounts expended on the items named below were :

			Rs.
(i) Printing Circulars, &c.	..	..	6,000
(ii) Employment of staff	..	..	7,000
(iii) Conveyance and delivery	..	..	9,349

Rs.

(iv) Transit charges paid :

(a) For the Karachi-London Air Service to the British Post Office by which the service is controlled (and not to the Imperial Airways)	3,24,963
(b) To the Indian State Air Service during the same year	27,962

In addition to the above items of expenditure a sum of Rs. 6,000 was incurred on account of the manufacture of air mail stamps and stationery and a sum of Rs. 10,000 on account of telegrams issued in connection with the air mail services.

DUTIES OF TELEPHONE SUPERVISORS.

163. *Mr. S. C. Mitra : (a) Will Government be pleased to state what is the duty of telephone supervisors ?

(b) Is it a fact that in June 1930 some telephone lines in Benares went out of order ?

(c) Is it a fact that an Engineering Supervisor from Allahabad was deputed to repair the lines, although there was a telephone supervisor in Benares ?

(d) Will Government please state why such extra expenditure is incurred ?

Sir Hubert Sams : (a) Telephone Supervisors' duties are :

(i) Maintenance of telephone exchange apparatus and plant.

(ii) Fitting, re-fitting and maintenance of the wiring in subscribers' offices.

(iii) Maintenance of subscribers' instruments.

(iv) Attention to complaints from subscribers.

(b) No, but there was a failure of telephone cables at Benares in July, 1930.

(c) Yes.

(d) Because the repair of telephone cables is work in which telephone supervisors are not trained or experienced.

DUTIES OF SUPERINTENDENTS OF TELEGRAPH TRAFFIC.

164. *Mr. S. C. Mitra : (a) Will Government be pleased to state the duties of the Superintendents of Telegraph Traffic ?

(b) Is it a fact that they are not required to inspect the combined offices and departmental telegraph offices ?

(c) Is it a fact that they deal with tour and complaint cases of the telegraph side only ?

(d) Is it a fact that now the inspection work of the telegraph branch of the combined offices has been taken away from their hands and this duty is being done by the Postal Superintendents and Inspectors who are given training for the purpose ?

(e) Will Government please therefore state why the Superintendents of Telegraph Traffic have been retained for such small work expending a lot of money ?

(f) Do Government propose to consider the question of abolishing these superfluous posts in these days of economy ?

Mr. J. A. Shillidy : (a) The question of the exact duties to be performed by the Superintendents, Telegraph Traffic, is left to the Postmaster General to decide, but it is intended that such officers should ordinarily divide their time between inspection and office duties. These officers also deal with work connected with the telegraph branch of combined offices, telephone revenue accounting, etc.

(b) No, but owing to the financial stringency the detailed inspection of combined and departmental offices by these officers has been temporarily suspended.

(c) No.

(d) As an experimental measure and with a view to economy the inspection work has been entrusted to Superintendents of Post Offices.

(e) and (f). Pending the examination which is being made by the Retrenchment Advisory Committee in respect of the Posts and Telegraphs Department as a whole it is regretted that no statement can be made.

COMBINED POSTS AND TELEGRAPHS OFFICES, THEIR STAFF, COST AND INCOME.

165. ***Mr. S. C. Mitra :** Will Government be pleased to state :

(a) the number of combined offices in the Posts and Telegraphs Department in 1930-31 ;

(b) the number of signallers employed in those offices in the same year ;

(c) the number of supervisors and inferior staff employed in those offices ;

(d) the amount expended for (i) pay, (ii) leave provision, (iii) pensionary charges, (iv) travelling, (v) stationery, printing and contingency ;

(e) the amount credited as share of cost of combined office revenue and the basis of calculation ;

(f) the basis on which this amount is credited ; and

(g) the total income of the combined offices in the year 1930-31 ?

Sir Hubert Sams : (a) 4,296.

(b) 970 wholly on signalling duties and 3,925 partly on signalling and partly on postal duties.

(c) and (d). Government do not possess the information and do not consider the trouble involved in collecting it would be commensurate with any advantage to be gained by doing so.

(e) and (f). Rs. 32,07,922, credited by a *per contra* debit to Telegraphs and calculated as laid down in Article 302, Posts and Telegraphs Account Code. A copy of the Article is being sent to the Honourable Member.

(g) The information is not available.

DEPARTMENTAL TELEGRAPH OFFICES, THEIR INCOME, WORK AND STAFF.

166. ***Mr. S. C. Mitra** : Will Government be pleased to state :

- (a) the number of departmental telegraph offices in the years 1922-23 and 1930-31 ;
- (b) the total income of these offices in 1922-23 and 1930-31 ;
- (c) the number of telegrams handled during the years 1922-23 and 1930-31 ;
- (d) the total number of (i) Superintendents, (ii) Deputy Superintendents, (iii) Telegraph Masters, (iv) telegraphists (General, Local and Station Service) including leave reserve and (v) clerks and supervisors, (vi) inferior staff in the years 1922-23 and 1930-31 ;
- (e) whether it is a fact that the Indian Retrenchment Committee in 1922-23 remarked that altogether 626 telegraphists were in excess in proportion to the work ;
- (f) the number of telegraphists who have since been curtailed ;
- (g) the number of telegraphists recruited since 1922-23 upto the year 1930-31 ; and
- (h) the reasons why the telegraphists were recruited when their number was excessive ?

Sir Hubert Sams : (a) 179 and 82.

(b) It is regretted that the information is not available and could not easily be collected.

(c) 19,250,961 in 1922-23 in both departmental and combined offices. Figures for 1930-31 are not at present available, but will be supplied to the Honourable Member as soon as possible.

(d) If the Honourable Member will kindly specify the particular class of Supervisors referred to in part (d) (v), available information about them will be furnished. Information on the other points is being collected and will be supplied to the Honourable Member separately.

(e) Yes.

(f) 636.

(g) and (h). Information is being collected and will be supplied to the Honourable Member separately.

CONVERSION OF DEPARTMENTAL TELEGRAPH OFFICES INTO COMBINED OFFICES.

167. ***Mr. S. C. Mitra** : (a) Is it a fact that the Ryan Committee of the year 1924-25 recommended rapid conversion of departmental telegraph

offices into combined offices, with the exception of a few special important offices ?

(b) Will Government be pleased to state since then how many departmental telegraph offices have been converted into combined offices ?

(c) What was the number of (i) Telegraph Masters, (ii) telegraphists, (iii) Clerks and (iv) inferior staff employed in those offices ?

(d) Will Government please state why the conversion of departmental telegraph offices into combined offices has not been as rapid as it has been recommended by the Ryan Committee ?

(e) Is it a fact that only one departmental telegraph office in the Punjab and not a single office in Bombay Circle has been converted into a combined office ? If so, why ?

(f) Will Government please refer to my starred question No. 171 answered in the Legislative Assembly on the 29th January, 1931, and state what was the total annual expenditure on account of pay, house-rent, etc., of the staff of the Madura, Trichinopoly and Vizagapatam Departmental Telegraph Offices ?

(g) Why are these offices being maintained when they are losing concerns ?

(h) Is it a fact that the Postmasters-General, Bengal and Assam proposed to convert some departmental telegraph offices into combined offices but the Director-General did not accord his sanction ? Is it also a fact that many obstructions are put in the way of converting the departmental telegraph offices into combined offices ?

Mr. J. A. Shillidy : (a) Yes, the Ryan Committee of 1924-25 recommended that the conversion of departmental telegraph offices into combined offices should be vigorously pressed. It was contemplated that about 75 such offices could be converted.

(b) Of these, 60 offices have since been converted into combined offices or closed as a result of the Ryan Committee's recommendations, and in 5 more the departmental telegraphists have been replaced by postal signallers. The cases of the conversion of 16 more offices are now under examination.

(c) (i) Telegraph Masters	..	..	..	4
(ii) Telegraphists	...	..	..	210
(iii) Clerks	..	..	..	41
(iv) Inferior staff	..	..	..	553

In addition to the above, nine other telegraphists were formerly employed in the 5 offices which are now being manned by postal signallers.

(d) Government consider that the pace of conversion has been as rapid as was practically feasible.

(e) No. The second part of the question does not arise.

(f) Total annual expenditure is :

	Rs.	a. p.
Madura	91,448	4 0
Trichinopoly	52,507	8 4
Vizagapatam	67,560	12 0

(g) These offices are what are known as " area " centres ; their function is to collect and distribute the traffic of a large number of minor offices and their cost cannot therefore be compared with the actual amount taken for telegrams emanating from them. The volume of traffic handled is very heavy for which high-speed apparatus is requisite and it is not possible for them to be converted into combined offices. Moreover, Madura and Vizagapatam are in addition important relaying stations between Madras and Colombo and Calcutta and Madras, respectively, necessitating the employment of a highly technical supervisory staff.

(h) No. The reply to the second part of the question is also in the negative.

RESOLUTION *RE* CIVIL COURT DECREES AND PROCEEDINGS AGAINST AGRICULTURISTS.

Mr. President : As Sir Abdulla Suhrawardy is not present, I call upon Seth Haji Abdoola Haroon to move the first Resolution.

Seth Haji Abdoola Haroon (Sind : Muhammadan Rural) : Sir, I beg to move the Resolution which is in the name of Sir Abdulla Suhrawardy, and that runs as follows :

" In view of the general economic depression this Assembly recommends to the Governor General in Council to introduce, without delay, legislation prohibiting execution of Civil Court decrees against agricultural landholders and farmers for the next two years, and prohibiting institution of any new Civil Court proceedings against them for past debts for the next two years."

Sir, the present condition of the agriculturists and the zemindars is well known to all the Honourable Members of this House and therefore I do not think it is necessary for me to go in detail into their difficulties, but I propose to place a few points before the House and the Government so that they may consider the situation seriously ; otherwise what will happen everybody can understand.

As ill-luck would have it, the condition of the agriculturist is far from satisfactory even in normal years. He is there because there is nowhere else to go. He is ill-housed, under-fed and badly clothed. Dr. Harold Mann, the well known Director of Agriculture of Bombay, when retiring, gave an interview to the Press and referred to the economic condition of the cultivator in the following words :

" Until the Government and the social reformers recognised that the secret of the whole prosperity of the agricultural population was filling of their stomachs—the empty stomach was the greatest obstacle to progress in India."

The agriculturist lives in a lifelong perpetual poverty and his lot is not far removed from utter destitution. The existence of crushing debt is universally acknowledged to be the main cause of this state of affairs.

[Seth Haji Abdoola Haroon.]

Professors J. B. Jather and S. G. Beri in their book on Indian Economics, Volume I, page 309, quote Mr. Wolff who says :

“ The country is in the grip of the *Mahajan*. It is the bonds of debt that shackle agriculture.”

It is a well known fact and needs no emphasis that the average agriculturist is born in debt, lives in debt and dies in debt. What gives cause for alarm is that the debt is unproductive and tends to increase automatically. The reports of the different Provincial Banking Inquiry Committees have been published and their conclusion is :

“ There is a general consensus of opinion that the volume of agricultural indebtedness has been increasing in the course of the last century.”

Further, the Punjab Provincial Banking Inquiry Committee Report says to the effect that the agricultural debt in the Punjab has increased from Rs. 90 crores in 1921 to Rs. 135 crores in 1929. The Royal Commission on Agriculture says :

“ It is more than probable that rural debt has increased in the present century.”

Sir, the condition of the agriculturist is this. Whatever surplus the agriculturist has got after paying the revenue and expenses on cultivation, including his livelihood—in his livelihood we include bare necessities of life, not to say of better living, no allowance is made for medical relief, decent clothing, insurance against sickness, and temporary as well as permanent disability ; it is assumed that he wears a *langota* and remains half naked and is pleased with half a meal per day—is absorbed by interest charges. If by chance he falls sick, if by chance he is blessed with an issue and organises a simple thanksgiving ceremony, if by chance he buys a few fancy things for his dear little ones at home, if he marries, if he wishes to change the course of water running down his fields, he incurs debt. As agriculture barely yields him his subsistence, the debt increases by leaps and bounds.

Stability as a result of British rule has added to the misery of agriculturists and tended to increase the debt. In pre-British days, dynasties succeeded dynasties very rapidly, with the result that with the change of dynasty the agriculturists became free of the debt and made a new start in life. They obtained a chance to start with a clean slate and improve their condition.

The existence of the debt and the inability of the agriculturists to pay it have been suicidal to the best interests of the country. Land is rapidly passing out of the hands of the agriculturists into those of non-agriculturists. In my constituency of Sind 40 per cent. of the land has passed into the hands of money-lenders. In the United Provinces, as my colleague Maulvi Sir Muhammad Yakub says, the aristocratic families are rapidly vanishing owing to heavy indebtedness, and their property is passing into the hands of upstart money-lenders. To remedy this evil state of affairs, the Government even in normal times helped the agriculturists by the grant of *takavi* loans, freedom of attachment of the goods of the agriculturists, and the power given to the Courts to go behind the contract and see that the agriculturist is not unfairly treated. The co-operative movement was launched to eliminate money-lenders by providing means to redeem the past debt as well as to finance the current expenditure of the agriculturist. But it has signally failed in this, as is shown by the Provincial Banking Inquiry Committee's remark on their draft report, to the effect that the

existing co-operative credit organisation cannot provide funds for liquidation of prior debts except to a very small and negligible extent. Mr. Manu Subedar, one of the members of the Central Banking Inquiry Committee, said that 40 to 60 per cent. of the members of the co-operative movement in the Punjab had contracted debt from outside. The Central Areas Provincial Banking Inquiry Committee's Report, paragraph 119, reads as follows :

" Not only the indebtedness of the co-operative members continues to increase, but their dependence on outside financing agencies for the satisfaction of their economic needs shows no signs of being eliminated in the near future."

That is the Report of the Central Areas Banking Inquiry Committee.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : On a point of order, Sir, I want to draw your attention to rule 138, page 49 which reads :

" A member in whose name a Resolution stands on the list of business shall, when called on, either—(a) withdraw the Resolution in which case he shall confine himself to a mere statement to that effect ; or (b) move the Resolution in which case he shall commence his speech by a formal motion in the terms appearing on the list of business :

Provided that the member may, with the permission of the President, authorise any other member, in whose name the same Resolution stands lower in the list of business, to move it on his behalf, and the member so authorised may move accordingly."

Mr. President : Will the Honourable Member continue reading the rule part (2) ?

Mr. Amar Nath Dutt :

" If the member when called on is absent, any other member authorised by him in writing in this behalf may, with the permission of the President, move the Resolution standing in his name." (Laughter.)

It is not a question of laughing.

Mr. President : I do not know whether the Honourable Member was present when I called upon Mr. Haji Abdoola Haroon to move the Resolution. I stated that Sir Abdulla Suhrawardy being absent, Mr. Haji Abdoola Haroon should move it. This is covered by part (2) of rule 138 which the Honourable Member does not seem to have read. I have received the written authority. Otherwise, I would not have called upon Mr. Haji Abdoola Haroon to move the Resolution.

Mr. Amar Nath Dutt : We were not aware of it.

Seth Haji Abdoola Haroon : The opinion in the Central Banking Inquiry Committee, when we discussed the draft Report, suggested debt conciliation on some such basis as through the agency of local *panchayats* under the direction of the Government officer where debtors and creditors meet and debts are composed on payment of cattle and grain at higher prices than the prevailing market price, and concessions are made regarding rate of interest and remission of irrevocable debt and payments by instalments. The Committee also refer in this connection to the work especially of the Sialkot debt composition committee. These measures might have succeeded in normal years but they are utterly inadequate to cope with the present economic position of the agriculturists. The prices of food grain and other agricultural produce have fallen abnormally, to the immense advantage of *sahukars*. The agricultural produce now sells for a song and is wholly taken away by the money-lenders in lieu of interest. The agriculturist is not left with enough grain to feed himself and his family. It has been

[Seth Haji Abdoola Haroon.]

estimated by the Provincial Banking Inquiry Committee that the rural debt stood at the colossal figure of 877 crores in 1929, which works out to 23 per cent. of land revenue. It is estimated that the average land revenue, as estimated by the Indian Year Book, 1930-31, is 37.4 crores. The Provincial Banking Inquiry Committee remarks that the interest charges vary from 12 to 75 per cent. The rate is highest in Sind in the Bombay Presidency, rising to 50 per cent. Here let me say that the average interest paid is at least 25 per cent. and if you calculate the total debt of the agriculturist as about 900 crores, the yearly amount of interest paid by agriculturists amounts to 225 crores, whereas the land revenue is only 37 crores. At present on all sides a hue and cry has been raised that the burden of taxation is very high. It has been proposed that land revenue be reduced by one-half. Owing to the recent fall in prices, Government have remitted land revenue varying from 25 to 40 per cent. I ask of you when the agriculturists are unable to pay even land revenue, it is impossible to expect of them, without giving rise to serious social and economic upheavals, to pay interest running to 5 to 10 times the land revenue. The time has come when we must come forward to help these poor people. We should not remain idle. Nero was fiddling while Rome was burning. Let us not fiddle while 90 per cent. of our population is passing through acute economic distress. Let us not wait for a Bill embodying this Resolution, for the Bill might cause a delay at least of six months or a year and who knows, in the meanwhile the situation caused by the agrarian discontent will be beyond remedy. Let the Viceroy peremptorily issue an ordinance as soon as you pass this Resolution, giving effect to its principles, and before the ordinance lapses let the required legislation be passed. Every one knows that the economic condition not only of India but of the whole world is very bad. The mightiest and the richest States of Europe are unable to pay interest on their borrowings, and therefore President Hoover of America has agreed to a moratorium excusing payment of debt and interest thereon for one year. The Government of India and the Provincial Governments have also benefited by this moratorium. Would you deny the same privilege to your agriculturists who form 90 per cent. of the population, who are the backbone of the prosperity, happiness and greatness of this fair land of Hindustan, and who produce not only the food of the community in India, but a large exportable surplus by which India meets her obligations abroad?

Nor will this Resolution be disadvantageous to money-lenders in the long run. There is no denying the fact that the agriculturists are unable to pay the interest. If money-lenders persist, riots similar to Deccan, Santhal and Sukkur will follow, with the result that the agriculturists as well as money-lenders will be ruined for good. This Resolution will give a breathing space to agriculturists and enable them to improve their economic position, with the result that after 2 years they will be in a better position to discharge their debts.

Sir, the fall in prices, as you all know, is not a temporary one. If this Resolution fails on the floor of this House, or some delay is caused to translate this Resolution into action, the future ahead for India is gloomy and gives cause for desperation. What will be the result? The aristocratic families, who exercise a great moderating influence over the masses and who are the custodians of India's noblest traditions, will disappear. Land will pass into the hands of a microscopic minority of money-lenders.

More than 90 per cent. of the population will be landless, homeless, and without means. Recurrence of riots will be the order of the day. India will be plunged into lawlessness and no power on earth can stop this lawlessness inasmuch as it will be universal.

Sir, signs of this catastrophe are not wanting in India. Agrarian riots have taken place in U. P., Pudukotah State. etc., resulting in the deaths of many zemindars, tenants and public servants. If you want to lead India on to the path of progress, greatness and happiness. if you want that tranquillity, order and peace, which you all praise, should prevail in India, in a word if you want the India of your dreams, a happy India where its inhabitants can take full meals and have sufficient clothes and other necessities of life, this Resolution must be accepted by this House.

Sir, I have placed my case fully and fairly before the House. I am now only appealing to Honourable Members that they must consider this Resolution very seriously and give effect to it as soon as possible.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, having every sympathy with the debtors, I am very sorry to oppose this Resolution so ably moved by my friend on behalf of the new Midnapore Knight. The Resolution, in my opinion, has not been drafted in guarded language. It is proposed to give relief to agricultural landholders and farmers by prohibiting the execution of decrees against them, but any such legislation for ameliorating their condition will ruin them entirely. The Resolution has two parts. The first prohibits the execution of civil court decrees for two years, and the second prohibits the institution of any new civil court proceedings against them for the same period. It is not known to which particular kind of civil decree the recommendation refers. All kinds of civil decrees, whether for arrears of land revenue or for debts, come under this decree. A landlord will not be able to execute a decree about his arrear of rents. Being under protection of law, I do not know why the tenant will pay a single pie to the landlords, and in this way all the landlords will be ruined. The same case will happen with the Government and they will not be in a position to institute civil court proceedings against the landholder. I ask the Treasury Benches to realise the consequences which this Resolution, if accepted by the House, is bound to have. Had there been any mention of the exemption of rent decrees and rent dues, I would not have opposed it. And so I say that the Resolution has not been properly drafted. If a landlord will not get his dues, I cannot understand how he will be able to pay rent to the Government, to pay the collection charges, and to do improvements in the agricultural lands. When Government in their turn will not be able to realise the land revenue from the landholder, their condition during these deficit years can be better imagined than described.

Now comes the question of farmers. When the previous decrees will not be executed under the law, these decrees will not be barred by limitation. After two years there will be decrees again of the pending suits and also of fresh suits. The total burden as a result of these suits will be that about 99 per cent. of the tenants will not be in a position to pay such a heavy amount. The uneducated population of the tenants will not save anything and will not think of the future and the result will be that after two years they will find themselves in such a depth of water that there will be no alternative for them but to drown.

Sir, as I have pointed out at the outset of my speech, the second point prohibits the institution of fresh suits. This will also increase the burden

[Mr. M. Maswood Ahmad.]

of interest on the poor debtors. My arguments in opposing the first part will also apply here.

In my opinion the best thing will be to recommend to the Government to float a loan in India—not abroad—for the purpose of helping these poor agriculturists during these hard days and to give loans to them for their bare necessities at a cheaper rate of interest and to recover the amount by easy instalments and to prohibit by legislation that no agricultural property should be mortgaged or sold in future for any decree other than for the dues of rents.

With these few words, Sir, I strongly oppose the Resolution.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, I rise to support the Resolution as it stands. I think the last speaker when he opposed this Resolution was mostly led by the law which prevails in his own province where a rent decree is also passed by the civil court. This is an extraordinary procedure which does not exist in other provinces. In other provinces rent decrees are passed by the revenue courts and not by civil courts. If the Honourable Member had some such difficulty, his remedy would have been to send in an amendment in order to exclude Bihar and Orissa, if the same law prevails there, so that the rent decrees may not be stopped. The chief reason why I support this Resolution, Sir, is this. At present in the case of a tenant who has not got any money to pay even to the landlord—and landlords have got no money, they cannot realise their rents even to pay their land revenue,—if the tenant is harassed by his money-lender, there is only one course for him to adopt, and that is to seek the remedy of the insolvency courts or to run away from his village. If the civil court decrees are not discharged now, the only course for the poor agriculturist or tenant is to leave his home and run away from his village and find some kind of petty labour in big towns. A tenant has to pay, as everybody is aware, Rs. 3-2-0 per cent. per month. That is the rate of interest which prevails in the villages. If a tenant can borrow at Rs. 2 per cent. with compound interest, it would seem to be the cheapest interest which he can ever get. But the usual rate of interest which one has to pay is Rs. 3-2-0 per cent. per mensem, which comes to something like 40 per cent. per annum. If an agriculturist borrows a little amount for the purpose of his seeds and for purchasing cattle or investment, then his cost of production from Rs. 100 rises to Rs. 140 in one year. Now, Sir, if there is a decree passed by the court, which never carries an interest of more than 6 per cent., he will be getting a great relief by having against him a decree instead of borrowing a fresh loan from some other person and paying off the whole loan and incurring a new debt at Rs. 3-2-0 per cent. per mensem. This matter had been threshed out a great deal and many zemindars had been invited by the district officers in my province at least. After consultation, the zemindars agreed not to execute the decrees even for the rent which they had against their tenants and at the same time they wanted that some relief be given to them by their *sahukars* as well. This matter is now being seriously considered by the United Provinces Government whether a moratorium be granted to the tenants on account of the rental decrees as well as the civil court decrees. As far as the zemindars are concerned, they are whole-heartedly supporting this, and are ready to forego the realisation of their money for two years, which they can get from executing their decrees provided the tenant is not going to cheat them or

deceive them. One thing which this Resolution seeks to do is that the already existing decree may not be executed, but if the tenant has got enough money he can pay to his *sahukar*. If he can satisfy the *sahukar* and is willing to borrow a fresh loan, which he can do only by paying something towards the past loan, they will never stop him from doing so. It is a wrong thing which has been put before the House that it will stop the tenant from getting any loan. That is not the case. The tenant will be getting the loan and paying his loan all right. If there is a decree which exists in his name, his cattle, his house and his other property may not be attached and he may not be driven to seek the remedy of the insolvency court. (*A voice* : "They are already exempt.") No, in the case of a civil court decree his house and his cattle are not exempt. His plough and other agricultural implements and the farm house are exempt. Sir, whether the relief is given to a tenant or not, that is the only gist of the Resolution. If relief can be given, it ought to be given. The House mostly consists of the representatives of the agricultural class, and I cannot see how they can vote against this Resolution and against the interests of the very persons whom they have come to represent in this House. Such a course on their part will drive the tenants to Bolshevism. If the tenants are finding themselves against Government to-day, there will soon be a time when the zemindars will find themselves up against the money-lenders. They must take proper precautions beforehand and must see that they should not tease them more than they can bear. With these few words, Sir, I support the Resolution.

Lala Hari Raj Swarup (United Provinces : Landholders) : Sir, so far as this Resolution is concerned, I am placed in a very awkward position. I represent the landholders of the United Provinces, and the landholders in a joint conference in Lucknow on the 26th July last passed a Resolution practically in the same words asking the Government that, "in view of the economic crisis which seriously affects the agricultural classes, this Conference is of opinion that immediate steps should be taken by the Government to postpone the execution of civil court decrees against the members of the agricultural classes and declare moratorium for at least one year". My difficulty is this, that so far as my constituency is concerned, they want the Government to legislate to prevent the execution of civil court decrees, but as a student of economics and as a man of business and one who knows something of commercial morality, I feel that by such legislation we shall be defeating the very purpose which we are out to safeguard. The chief difficulty, if such legislation is undertaken, will be that the burden on the cultivators will go on accumulating. The Resolution says that fresh institution should be suspended for two years and no existing decrees should be executed. It means that the interest on the existing decrees will go on accruing at the rate of 6 per cent. per annum and on the existing debts at the contractual rates. It is just possible that in these times of economic depression, when decrees have been obtained, there may be some compromise and the tenants might be able to get some remissions from the *sahukars* or village money-lenders, when they will see that the tenant is not able and has nothing with which to discharge his obligations.

The second disadvantage will be that the whole system of agriculture will be dislocated. Everyone in this House must be aware that the agricultural operations of the tenant depend mostly on the finances that he receives from the village money-lenders. If this legislation is undertaken, I am sure fresh advances will cease, because they will think that

[Lala Hari Raj Swarup.]

another legislation may be undertaken prohibiting the institution of civil suits and suspending execution. The Co-operative Credit Societies in this country are in their infancy and they do not provide sufficient money facilities for the tenants in order to meet all their requirements for carrying on agriculture.

The third disadvantage will be that the value of land will fall. When advances cannot be had on the security of land on account of such legislation, the value of land will decrease and it will seriously affect the agricultural classes. In my own opinion, the remedy is not to promulgate such legislation, but to pass some legislation which may restrict the usurious rate of interest that the money-lenders can charge from the tenants. Or perhaps the best thing might be that for a certain number of years the rate of interest on the existing loans and the loans that may be advanced in the future may be fixed at a certain figure which may be considered reasonable both for the money-lenders and the agricultural classes. But, however, these are my personal views and so far as voting on this Resolution is concerned, I shall guide myself by the mandate that I received from my constituency.

Dr. F. X. De Souza (Nominated Non-Official) : Sir, with your permission, I should like to make a few observations on the Resolution before this House. The Honourable the Mover has painted a very gloomy picture of the distress into which the agricultural population of this country has been plunged. So far as Southern India is concerned, with which I am more intimately acquainted, I venture to think that the picture has been painted in colours far too sombre, and the reason is that the price of rice, which is the staple grain of Southern India has not fallen so low in value as compared with the price of wheat, which is the staple food of Northern India. Besides, the agriculturist of Southern India has got subsidiary means of eking out his income by the cultivation of spices and garden produce, which are not open to the cultivators of Northern India. There is however no doubt that agriculturists throughout India have been plunged in distress, in some places of a very acute nature. That distress is not peculiar to India ; the distress is world-wide. The curious part of it is that this distress is not due to scarcity ; it is a distress caused by abundance ; there is abundance of food, abundance of grain, but there is scarcity, a famine of money due to a fall in prices. What is the cause of this fall in prices ? Doctors disagree in diagnosing the cause. Some will tell you that the fall in prices is due to over-production which has been stimulated by the high prices prevailing during the boom period. Others will tell you that the low prices are due to the dumping of grain grown by free and sweated labour such as Russia does in pursuance of her five-year plan. Others again will tell you that the cause of the low prices is the fact that of the gold supply of the world, two-thirds are locked up in the vaults of the banks of New York and Paris, leaving only one-third for circulation. These are however questions of high finance into which I am unable to enter, nor do I venture to express any opinion upon them. But the fact remains that the distress caused is very great and widespread throughout the world.

Now, Sir, different countries have attempted to tackle the distress in different manners. We read that in the United States where the price of wheat has fallen so low that it hardly pays the cost of transport, the farmer

makes use of his surplus produce as fuel for the purpose of feeding his engines in place of coal. We are told that in certain parts of the United States the Government propose to acquire stocks of cotton on a very large scale and the Government are also seriously considering the question of restricting the cultivation of cotton, cultivating only one out of three rows in a field of cotton. In Brazil the Government are levying a heavy export tax of 10 shillings per bag and utilise the proceeds of the tax to buy up inferior coffee for the purpose of destruction. I am afraid these are remedies which we cannot dream of in this country. We cannot deal with the produce but with the producer. Our endeavour should be to keep him afloat till better times come. The problem has been attempted to be solved by the Government in Egypt very recently on the following lines. The House is aware that a sharp fall in the price of cotton in that country has led to the very serious danger of the owners of land being expropriated at the instance of the credit agencies who have given them loans and who are pressing for the refund of their money. The Government stepped in and what they have done is this. They have opened a new credit Agricultural Bank to which they have advanced a very large loan, about £10 millions, with instructions to take over the debt from the credit agencies and banks and make the agriculturists debtors to Government and give them time for repayment. They have also suspended repayment of loans for the purchase of seed and manure for a period of five years. Lastly, in lieu of payment of land tax, they accept payment of agricultural produce in kind and they are also accepting the golden ornaments of *Fellahin* women at market price in lieu of land tax. If I make a proposal on these lines to the Honourable Member for Agriculture, I know what he will tell me, in his most suave manner, that he will place the proposal before the Retrenchment Committee for consideration.

Is the proposal embodied in the Resolution likely to meet the situation? Is it feasible or is it likely to benefit the cultivator? I venture to think it will not benefit the cultivator in the slightest degree. It is a proposal virtually to grant a moratorium for a period of two years to the debtor. I have always understood that a moratorium is granted by the creditor of his own free will. Has the Honourable the Mover of this Resolution ascertained what the views of the creditors are in this matter? The creditors concerned are mostly small men who have been almost as badly hit as the debtors and they are not likely to consent to a moratorium. If the creditors will not consent what will be the result? We are aware from our own knowledge and from the description given by the Honourable the Mover of the Resolution of the conditions in which the agriculturist finds himself at the end of the cultivating season. He has no reserve to fall back upon. For his clothing, for his food, and for buying petty trinkets, as he pathetically put it, for his little ones, he has to fall back upon the money-lender. Now, if there is a compulsory moratorium, imposed upon the creditor, it will necessarily mean a cessation of credit for the debtor. And if the debtor for the next two years is not in a position to make any borrowings from his creditor, his last state will be worse than the first.

What then is the solution? That the problem requires solution, and an urgent solution, admits of no doubt. The law as it stands gives relief to the agriculturist to a very small extent indeed. For instance, in the case of civil court decrees, it is open to the court to grant him instalments while passing decrees; it is also open to the courts to reopen

[Dr. F. X. De Souza.]

accounts under the Usurious Loans Act which, I am very sorry to see, the courts use so sparingly. But, as I say, the times are abnormal, and special legislation is necessary. When the Government of Bombay in the year 1879 found themselves confronted with a similar situation, by the agrarian riots in the Deccan, they enacted a special piece of legislation which is known as the Deccan Agriculturists' Relief Act. That Act has been in force ever since 1879, and although certain defects of that Act have come to light in the course of its administration, yet the principles on which that Act was based are thoroughly sound, and I venture to think that if those principles are applied to India as a whole, some sort of solution may be found. Those principles are that in the trial of suits it shall be open to the Court, whatever be the terms of the bond, to reopen accounts and to see that the rate of interest charged is small, and then make up the account ; and that course is open to the Court whether it is a simple money bond or a mortgage bond. In the course of execution of decrees, it is also open to the Court to grant instalments and to see that the land of the agriculturist is immune from attachment and so is his person. If any legislation on these lines is feasible and can be enacted, I venture to think that some sort of solution may be found. But, as I say, it is merely tinkering with the problem. The problem is too vast and I have my own doubts whether it is capable of solution by human ingenuity. The Honourable the Mover of the Resolution said that the total amount of agricultural indebtedness was 875 crores of rupees, and that the interest which the agriculturists pay in normal years to their creditors is something like 235 crores. These figures are such that they defy any treatment in the ordinary way. I for one am unable to suggest any adequate remedy ; to be effective it must be a drastic remedy ; and I only hope the time will not come when, if a solution is not found before then, the agriculturists themselves, who form the large mass of the population of this country, will take the solution in their own hands and find a remedy in their own way in a manner which I do not care to contemplate. That is all I wish to say and with these words I resume my seat.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : I am afraid, Sir, I must oppose this Resolution. To my mind it is a singularly ill-conceived Resolution. It seeks to secure for the benefit of a particular class a preferential treatment, and on that principle every reasonable man ought to oppose it. No doubt there is economic distress. That fact can hardly be disputed. But the economic distress is universal and it hits every class of people, and consequently there does not seem to me to be any special reason why a particular class should be selected for sympathetic treatment any more than any other class who has been equally hit....

Mr. Muhammad Yamin Khan : Is there any other class which has been hit so hard ?

Mr. B. R. Puri : Every class : I am one, you are the other.

An Honourable Member : I am both.

Mr. B. R. Puri : There is not a class that has not been hit ; otherwise it would not be a general distress. In fact the very wording of the Resolution states that proposition.

An Honourable Member : You are hit less than the agriculturists undoubtedly.

Mr. B. R. Puri : Proceeding with the Resolution itself, one of the principal arguments that has been advanced for special sympathetic treatment towards this particular class is that they are impecunious. But, when were they not, may I know ? To quote my friend the Honourable the Mover, the affairs of this class are that they are in a perpetual state of indebtedness. Whether in a period of adversity or in a period of prosperity, they are always in a state of indebtedness. And I would like to know from my Honourable friend the Mover of this Resolution whether it does credit to a class to come forward and say, "Sir, we so badly manage our own affairs, that we are always in a state of indebtedness. Whether we get plenty or not, we are always like that ; and therefore please give us preferential treatment". I submit that the proposition is too ridiculous to be seriously advanced. Let us look at the remedy suggested.

The remedy proposed is worse than the disease itself. The Honourable the Mover suggests that for two long years—twenty four months—there should be no fresh institution of any money suits against the agriculturists....

Mr. Muhammad Yamin Khan : No, no.

Mr. B. R. Puri : I say, yes, yes. Look at your Resolution. I am afraid you have not read the Resolution. It says "and prohibit the institution of any new civil court proceedings against them for past debts for the next two years". I wish my Honourable friend had read the Resolution before he started contradicting me.

Has the Honourable the Mover realised the import of his suggestion ? I think if this Resolution were to be carried out, one of the first persons who would be up in arms would be the Honourable the Finance Member. He is already in straits so far as the financial condition of the country is concerned and the large revenue which at present is derived from the sale of court fees would be materially reduced ; and that would affect the revenues of the country : would it not ? I put the pertinent question. After that, let us pursue this matter a little further and see the evil consequences of a measure like this. If this relief is to be given to the agriculturists, it cannot be given except at the expense of another class, that is, the creditors. If the creditors are debarred from seeking what is due to them, would there not be justification on their part to come forward and say, "Sir, you have robbed us of our legitimate dues ; please do not levy any income-tax from us, at any rate for the corresponding period of two years because you have crippled our resources and thus debarred us from meeting our obligations". If that is the position, then this peculiar measure is likely to lead to very widespread mischief in the country, and I am afraid on that ground it should be strenuously opposed.

Mr. Lalchand Navalrai (Sind : Non-Muhammadian Rural) : Sir, I think I am peculiarly fitted to speak on this Resolution because I have heard some Members in this House say that they belong to certain institutions, that they are landlords or agriculturists and therefore they have certain mandates. But in my case I do not represent any special constituency. I represent a general constituency, which comprises both agriculturists and creditors. Therefore I feel that I am in a position

[Mr. Lalchand Navalrai.]

to put the case impartially. I should not be misunderstood in the least that I have no sympathy with the agriculturists or the landholders ; but it should be recognised that we should be fair to both the agriculturist and the money-lenders.

I feel a little surprised that the Mover of this Resolution, who I do not think belongs to the land-holding class but belongs to the money-lender class, has unfortunately chosen to shoulder this Resolution.

An Honourable Member : But he represents the agriculturists.

Mr. Lalchand Navalrai : If he had belonged to the land-holding

class, I think in speaking on this Resolution he would have been more fair. Now coming to the merits of the Resolution, I feel that the Assembly would be stultifying itself if this Resolution is passed. I will make myself clear. The reason that is given for this Resolution to be passed is the general economic depression. Now I ask, does the general depression affect the creditors and other people also or not ? If it does, then this Resolution stultifies itself. Now coming to the practical difficulties, I as a lawyer can claim to say that there will be a great many difficulties in giving effect to this Resolution as it will necessitate amendment of several existing legislative enactments. In the first place, it will be revolutionising many Acts of the Legislature. Take for instance the Limitation Act. You cannot pass the Resolution without amending the Limitation Act. You ask that the decrees should be postponed for two years. Under what law ? A law shall have to be made amending the ordinary provisions of the Limitation Act. Take then the Civil Procedure Code. I think the whole procedure there will have to be changed. But apart from that, a very important thing that you have to consider is this. Has this House the power to interfere with the contracts of parties ? You are asking by this Resolution that the contracts that have been solemnly made or statutorily adjudicated between parties should be changed and that creditors and decree-holders should be kept out of the benefits that are their due under their contracts. The Contract Act itself should then be amended. So there are three Acts which must be amended.

(At this stage Mr. K. Ahmed made an interruption which was inaudible.)

I do not follow the Honourable Member's interruption. Then, Sir, apart from these difficulties there will be actual harm done by asking that this Resolution be passed. There will be complications and fresh encumbrances attaching to the debtors. Their interest will accumulate, and that will have to be paid after all. Then the second thing that will have to be considered in this connection is that there will be a loss of credit. Already there has been much loss of credit I think, and the creditors are feeling shy of lending to their debtors to the extent they used to do before. Now do you want that the entire credit of these people should be jeopardised ? Then you have to remember that there are already several remedies which can be applied instead of asking for the adoption of a Resolution like this. Take, for instance, the case where there is a contract between parties and a decree has been made. Now you want that that decree should be postponed for two years. But why not ask the Court and make out a case before them for easy instalments ? Then, if it is a mortgage decree, why not ask for six

months' postponement? You have got remedies already which are ample.

Seth Haji Abdoola Haroon : The agriculturists has got no money to engage pleaders and no money to pay for the cost of mortgaging property.

Mr. Lalchand Navalrai : Well, I know agriculturists are well-protected at least in Sind. Proceeding further, I have to say that, apart from the securing of easy instalments and the postponement of decrees, there is another remedy also. When the creditors realize their position, namely, that they will not be able to get their dues in full at once, and the debtors also realize their position, and it is clear to both that it should be made easy for the creditors to postpone the obligations that the debtors have to perform, they come and compromise their cases. Then the case is sent to arbitration, easy instalments are made, and time is given. Why then should there be any legislation, and especially legislation which differentiates between man and man? Then, Sir, there are other remedies also by way of asking for remission of assessment, or postponement of assessment, as is already now happening in Sind. Now the difficulty which presents itself to me is this. The Resolution is a general one asking for legislation for the whole of India. My Honourable friend opposite said that the Honourable Member from Bihar should ask for separate legislation. Well, this is a general Resolution. If you want any particular Resolution for helping certain tenants and certain zamindars who are inconvenienced, bring out another Resolution applying to that part of the country alone, but to ask for a general Resolution is, I submit, not proper. Sir, I will not detain the House any more, and with these words, I resume my seat.

Mr. S. G. Jog (Berar Representative) : Mr. President. I am rather fortunate in catching the eye of the President at once and I thank you, Sir, for giving me an opportunity of saying a few words on this Resolution. The Resolution I think is very loosely worded, and I think in a way it is heading towards Bolshevism (Laughter). The Resolution takes it for granted that all the tenants are honest and that all the landlords are dishonest, (*Cries of "No, no"*) and that there is harassment of the tenants by the landlords in times of distress. I think both these premises are entirely wrong. I know of many tenants who are very dishonest, and although they are in a position to pay the rent, still they want to take advantage of any factor whereby the property is not liable to attachment, or they devise all possible means of avoiding payment. Then look at the question from the legal standpoint, which has been already explained by my Honourable friend, Mr. Navalrai. (*Mr. Lalchand Navalrai :* "I am Lalchand Navalrai.") Sir, the various difficulties in the way of the adoption of the Resolution have already been pointed out. The law as it is already gives sufficient protection to the agriculturist. It gives wide power and discretion to the Courts to give relief in proper cases. The Courts can and do grant instalments on very easy terms. The Courts can reduce the amount of interest, and in so many other ways the Courts have got sufficient discretion to give relief to deserving tenants.

Seth Haji Abdoola Haroon : Therefore, the agriculturist is prospering!

Mian Muhammad Shah Nawaz (West Central Punjab : Muhammadan) : If you think the Courts can reduce the rate of interest, then you have not heard of the Privy Council ruling.

An Honourable Member : What about the attachment of the produce of the tenant ?

Mr. S. G. Jog : I am coming to that.

As regards the Code of Civil Procedure, with which probably my Honourable friend the Mover is not so very familiar, I will read out to the House the exact section which says what properties of a tenant are not liable to attachment. Section 60 (c) of the Code says that " houses and other buildings (with the materials and the sites thereof and the land immediately appurtenant thereto and necessary for their enjoyment) belonging to an agriculturist and occupied by him " are not liable to attachment or sale.

Mr. K. Ahmed : The principle is just the same with regard to lawyers' books and their libraries.

Mr. S. G. Jog : My Honourable friend also suggested that special legislation might be undertaken by Local Governments. There is another section which empowers a Local Government to give relief in certain cases. That also I will read out for the information of the House.

" The Local Government may, by general or special order published in the local official Gazette, declare that such portion of agricultural produce, or of any class of agricultural produce, as may appear to the Local Government to be necessary for the purpose of providing until the next harvest for the due cultivation of the land and for the support of the judgment-debtor and his family, shall, in the case of all agriculturists or of any class of agriculturists, be exempted from liability to attachment or sale in execution of a decree."

I think the provisions as they stand are sufficient to give proper relief in the present circumstances. The framers of the Code in those old, old days could very well foresee the distress of the agriculturists and they have made provision for this also. Therefore I submit that the Resolution moved by my Honourable friend is entirely futile.

Apart from the question of other difficulties explained by my Honourable friend, I think it is also against principle that civil remedies should be suspended for a period of two years. It will give an opportunity to, it will encourage, dishonesty among the tenants. This Resolution deserves wholesale condemnation and it should not be passed by the House. There are many tenants who are in a position to pay and who will be in a position to pay. They will also take advantage of this Resolution and the consequent legislation and will not pay anything to the landlords. In these circumstances, I oppose the Resolution and request the House also to reject it.

Bhai Parma Nand (Ambala Division : Non-Muhammadian) : I only want to make a short observation with regard to this Resolution. My point is simply that the phraseology of this Resolution is incorrect when it talks of the " execution of Civil Court decrees against agricultural landholders and farmers ". From what I understood from the speech of the Honourable the Mover of the Resolution, he has referred to the case of the Punjab mostly, and he has taken the cue to this Resolution from the condition of the Punjab agriculturists. Taking the Resolution as it is worded, it will mean that the agriculturists would form one class of the population and non-agriculturists would be the other class. The agriculturists in the Punjab are made a special caste, and in that caste it is not only the

poor tenants that are included but all the big landholders and owners of large squares of land. I do not know if this remedy is for the relief only of the poor tenants and the poor agriculturists.

Seth Haji Abdoola Haroon : Of both the agriculturists and the landholders.

Bhai Parma Nand : The landholders are there. They are also called agriculturists. Not only that, but among that class of agriculturists there are people who are enjoying the posts of Ministers and Executive Councillors. While these people class themselves as agriculturists in the Punjab, there are actually people holding land but who being Hindus are not called agriculturists. This phraseology, "landholders and farmers in the Punjab" will apply to a particular class of people, among which class we find very rich men, and these big landholders are owners of land and they now occupy the position of money-lenders also. If this Resolution is passed, it will mean that the money-lenders or the creditors will have no case against those people who are very rich and who intentionally avoid paying their dues to the creditors. With these few observations, I want to oppose the Resolution because it does not define what a landholder and what a farmer is. We should have to give a proper definition of these words, and then there will be great trouble in saying which class we should exempt from the operation of this Resolution. With these words, I oppose the Resolution.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands) : Sir, I did not intervene, at an earlier stage of this debate today because the subject (knowing as we do, how keen and wide an interest it evokes in all legislatures), was bound to evoke the same in this. In my forecast I was not disappointed. The Honourable the Mover of this Resolution has given us a mass of statistics. I am not in a position to say that I have had them verified, but if they are anywhere nearly correct, they do really reveal startling circumstances and conditions which must make us all pause and see whether all is well with our agrarian population. Many efforts have been made in this country and in other countries to take steps and measures to improve the condition of the agrarian people. Some measures have achieved a certain amount of success and for a certain amount of time. Some have entirely failed, but upon one point all schools of thought are agreed, that unless and until what is called a national reconstruction programme is adopted and enforced with great will, no substantial improvement in the condition of the agrarian population can take place. That is perhaps not a very optimistic point of view with which to begin a speech, but still I have always believed that it is best to know the worst and then see what measures—may be palliative, may be curative—we may take to put matters right. It is true our legislation has gone far to protect the interests of the agriculturists. Why ? Obviously because the profession is such that it has from times immemorial stood in need of protection, as was remarked by an Honourable Member who I think spoke from this side

[Sir Fazl-i-Husain.]

of the House (Mr. De Souza), and if I may say so, made an excellent speech, well-balanced speech, showing that the speaker had an insight into both sides of the case. I must say that, having devoted some time to the study of this question, to which I along with many others from time to time have felt very much attracted, I have not achieved success up till now to any appreciable extent in devising schemes or methods which would substantially improve the condition of the rural population; nor had I, when I had a chance of putting those ideas into practice in the Punjab, attained any great measure of success in materially improving the condition of the rural population in that province. But the efforts that I made enabled my critic friends to invest me with a reputation which I feel I hardly deserved of being very strongly rural. Therefore whatever unpleasant things I may say about the rural population or their defects will not, I trust, be misunderstood, coming as they do from one described not only as a friend, but a partisan.

I must say that the Resolution as it stands is not one to which, however much I may desire to give my support, I can lend support. It is unfortunately very vague, and perhaps the vagueness from which it suffers is such that even if an effort were made to do away with it, that effort would not succeed. As has been pointed out during the course of the debate, whom are we out to protect? The "agricultural" landholder and farmer. The landholder is a man who holds land and a farmer in common parlance is a man who owns and probably cultivates agricultural land. But what an agricultural landholder or an agricultural farmer is it is not easy to determine. "Agricultural landholder" is a restrictive term rather than descriptive. Probably an agricultural landholder is intended to mean a landholder who is by descent an agriculturist, and is not a purchaser from amongst those who have been practising professions other than that of agriculture. That will create very great difficulty, because in each case the issue will have to be determined whether a particular landholder and farmer is an agricultural one or not, and by no executive order, unless it be based on Mann's caste system or on the system which prevails under the Land Alienation Act in the Punjab of notified agricultural tribes can that be done.

That is one difficulty. The other one relates to "decrees". By that I am sure the Honourable the Mover of the Resolution never intended to cover either decrees obtained by landlords against tenants or by tenants against landlords. Otherwise it will mean really the cessation of agricultural relationship or co-operation between the landlord and the cultivator. In the third place, when he says that no civil proceedings can be initiated, is not the Honourable the Mover going far beyond what is intended to be done? To put a very extreme case, if an agricultural landholder defames somebody and the defamed person wants to proceed against him for damages, for two years that agricultural landholder or farmer can have the run of his life defaming everybody he likes. I am sure he did not intend doing that. Similarly an aggrieved person in a case of damage for assault and battery can have no relief for two years.

An Honourable Member : He means for past debts.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : So the whole matter really bristles with difficulties. I feel that a certain amount of

good has been done by availing ourselves of this opportunity of pointing out how very difficult it is to proceed with a measure which at first sight is so attractive as to enlist the sympathy of the casual person who looks at it. When the Resolution is examined in detail, even those who have great sympathy with the object of the scheme under consideration find it difficult really to sponsor it. These are some of the difficulties that must be apparent to any one who tries to examine critically the wording of the Resolution.

As to the object of the Resolution, I think I may take it that, in spite of some of the remarks which fell from some Members just opposite me, that we all really feel that the rural population, although they have got the safeguards of the Civil Procedure Code and the Usurious Loans Act and other things, are not the top dogs in the scheme of present day society, and realising that, we must always bear in mind that, situated as these people are, we must not miss any opportunity that offers itself to do the best we can for them. We must remember that whatever the reasons under the existing conditions of Indian society the rural people have not the best of times. The rural population has a wonderful facility for running into debt and getting their estates encumbered. A man may be well off during the first two or three years of his career as a farmer, but he soon manages to run into debt. There is some fatality attaching to land which makes even a good business man who takes up farming run into debt. I have seen many doing so. In fact, in my part of India, it is well understood that those who earn money in professions and buy land, before the second or third generation is over, will be no better than the persons from whom they purchased it. So knowing that without agriculture India cannot possibly do, are not we more or less creating a caste, if not a caste, at all events a class, which is absolutely essential to Indian society? The cultivating class is so situated economically, that it is almost always badly off. We may say it is badly off because it does not possess knowledge. It is badly off because it does not possess the requisite capital to improve its methods of cultivation. All these things come back to the same thing. There is some defect in the scheme of economic and social construction which is responsible for a very large population in the country being situated as the rural population is. I have not the slightest doubt that every one, whether on the Government Benches or on the Opposition Benches, would welcome a scheme which offers some chance of improving the condition of the rural classes. Any scheme like that would deserve sympathetic and careful consideration, because the evil is there and the desire to remove the evil is there. What we need is a suitable scheme which will enable us to remove that evil. If I am right, so far as the desire to attain the end is concerned and the willingness and the keenness to tackle any scheme that offers itself for examination, will it be too much to ask the Honourable the Mover of this Resolution, having seen the enormous difficulties that stand in the way of the scheme that he has suggested, that he should be content with the discussion that has taken place and with such solace as my words have been able to convey. No useful purpose will be served by pushing this Resolution to a division.

I feel that putting off the evil day for two years is neither here nor there. It is better to go to the insolvency court today to put an end to the long drawn agony of an impecunious man hopelessly in debt

[Sir. Fazl-i-Husain.]

rather than do so two years hence. Perhaps I have put it very baldly. If what I have said is enough to convince the Honourable the Mover that the best thing is not to proceed further with the Resolution, then I need not prolong my speech. I understand that the second Resolution on the agenda paper is not going to be moved. The third one relates to agriculture and there is a good deal of information I want to give the House as to what the provinces are doing. I would have given it under this Resolution, but for the fact that it would more appropriately come under the third Resolution. Therefore, I think I had better give it in the more suitable and relevant place than here.

Mr. President : Are you going to withdraw your Resolution ?

Seth Haji Abdoola Haroon : After hearing the Honourable Sir Fazl-Husain, I want to suggest.....

Mr. President : Do you intend to withdraw ?

Seth Haji Abdoola Haroon : I want to withdraw under certain conditions. When Mr. Amar Nath Dutt's Resolution is considered, I hope that my Resolution will be considered side by side.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : If you withdraw it now, it will be considered then.

Mr. President : The Honourable Member has to decide.

Seth Haji Abdoola Haroon : I am not withdrawing.

Sir Zulfiqar Ali Khan (Nominated Non-Official) : Sir, I am very unfortunate that from this part of the House I could not quite follow the speech of the Honourable Government Member, although I wanted to pay every attention to his arguments in order to furnish myself with a possible reply thereto. However, I can see from the trend of his speech that his words were words of empty consolation. The situation in the country is such as to call for the closest attention of the Government ; and not only attention but the application of some sovereign remedy for this world malady which is now afflicting not only India but practically every part of the world. If people elsewhere have thought fit to apply certain remedies in their parts of the world, how is it that we do not seek any remedy for our own country ? If we do not possess ingenuity enough to find a sovereign remedy, we might at least follow what others have done in other parts of the world. Well, the House knows, and Government ought to know more, that the distress and the financial depression in the country are very acute and are shaking the very soul of the people. It has gone so far as to move the great masses of India which are not very easily amenable to influence or agitation, whatever their strength may be. But when we do see them moving and their souls being affected by the distress, then I think it is the duty not only of every Member of this House but more so of the Government to see that the people do get relief and do go back to a life of contentment as before. Sir, I have known instances in which whole families have committed suicide for not being able to support themselves, and the state of the children starving before the eyes of their starving parents is such as to move the heart of any man. In the Punjab I know that murders of money-lenders have taken place already, and I think it is on a large and increasing scale ; and howsoever a money-lender may take a decree for execution, this will never be executed,

and I am afraid those money-lenders who go to the rural areas for the execution of their decrees will find that, unless they take a strong military force, there is no chance of their decrees being executed. The prices of produce have gone down to practically one-third of the original prices, and therefore the indebtedness of the people has increased three-fold. Under these circumstances, is it not the duty of the Government to look into this affair and see that a moratorium is declared so that these distressed people may find some relief? Sir, it is also the duty of the Government to see that the rate of interest is also decreased proportionately. I think this Resolution has caused some flutter in the dove-cotes of the money-lenders. I am not an enemy of money-lenders, on the contrary I am a friend of theirs, and I wish them well, but at the same time I want them to have sympathy with those very people who fill their coffers, and if they are obstinate, and if they do not listen to reason, and if they are unmindful of the distress of the people, then I am afraid they will be cutting their own throats. Sir, how does Bolshevism come into the country? Bolshevism comes into the country because the masses find it difficult to live! You have to enable them to live in order to find tranquillity in the country. If the masses think that the money-lender is making their existence impossible, then you know the consequences. You know how revolutions come—and you know how even the strongest Government will find it impossible to cope with the situation under these circumstances. Sir, I am not an alarmist, but I am only putting the situation before you, not in its sombre colours, but actually as I find it in the country outside this Chamber; and I think that instead of opposing this Resolution—as I find some of my Honourable friends to my right doing—they ought to have sympathy, they ought to have enlightened self-interest in their minds when they think over these subjects. Even self-interest demands that they should have sympathy with this Resolution and try to show to the people, those very people who want this relief, that in such times of distress they will come to their relief and they will afford them every facility in order that they may get some peace, in order that they may recoup and in order that they may strengthen their resources.

Mr. S. G. Jog : No legislation is necessary for that purpose.

Sir Zulfiqar Ali Khan : Yes, legislation is necessary; otherwise you will not listen to reason. (Laughter.)

Mian Muhammad Shah Nawaz : Quite right!

Sir Zulfiqar Ali Khan : I have pointed out what is the duty of the Government, and I have pointed out what is the duty of the money-lenders, and I think I need not point out what is the duty of this Chamber, because I know that my Honourable colleagues are enlightened enough and will only consult their own very best wishes by supporting this Resolution.

Mr. G. I. Griffiths (Bombay : European) : Sir, I wish with your leave to touch lightly on the Resolution as it stands on the paper. Apparently, no Honourable Member who has spoken on the subject has remembered the rights of the trader and the business-man in this connection. Does the Honourable the Mover intend that this 'two years' moratorium should be granted for everything? What about the suppliers of livestock, agricultural machinery, raw materials and such commodities? Have they to wait for two years to receive their money? I think, Sir, the Resolution is unhappily worded; and if the Honourable the Mover will accept an amendment whereby protection will be afforded to the

[Mr. G. I. Griffiths.]

business-man and the trader, I feel sure that this side of the House will whole-heartedly support his Resolution against the money-lender and the exorbitant rate of interest which the farmer and the landholder pay at present.

Seth Haji Abdoola Haroon : Sir, I have listened to all the speeches which have been made in the House. Lately, I heard the Honourable Sir Fazl-i-Husain and I find there are many difficulties for the acceptance of this Resolution because of its wording. But I know that all the Members, including the Government Members, are full of sympathy for the poor agriculturist and are anxious to do something for him. Of course, if I ask for a division now, I have very little hope of success. What I would like to suggest is that, if Resolution No. 4 which stands in the name of Mr. Amar Nath Dutt is accepted, then my Resolution ought to be forwarded to the Committee which Mr. Dutt's Resolution seeks to establish. Having considered all these points, I have decided to withdraw my Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

Bhai Parma Nand (Ambala Division : Non-Muhammadan) : Sir, it was in the interests of the agriculturists that I had proposed a Resolution. That Resolution of mine proposed to levy a duty on imported cotton but it has not come out in the ballot. My supplementary Resolution* has come in the ballot and I do not want to move it.

RESOLUTION RE AGRICULTURAL DISTRESS.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, the Resolution that stands in my name needs very few words for its acceptance from this House. It runs as follows :

“ This Assembly recommends to the Governor General in Council to form a committee of inquiry consisting of experts and Members of the Assembly to inquire into the causes of the present agricultural distress and to devise means for improving the condition of the agricultural population.”

Sir, if I am correct in my diagnosis of the views of the Members of this House, I may be bold to assert that there is not a single Member in this House who has not his sympathies for the distressed condition of the agriculturists at the present moment and who has not also an earnest desire to improve it. Sir, the science of political economy has changed so much from the days when we were students in college that I find that all the theories which we find in Fawcett's book have been exploded. It is no longer a question of land, labour and capital, but it is a question of socialism, communism. Third International, Fourth International and dictatorship of the proletariat. (A voice : “ And communalism.”) Sir, we in India are the inheritors of a great civilization and culture and cannot see eye to eye with our European friends about their ideas of constitution-making and economic arrangement of our society. It has been said that we are a conservative race. No doubt, we are a conservative race because we believe in the wisdom of the past and wish to preserve our

*“ This Assembly recommends to the Governor General in Council that he will be pleased to levy an import duty of 50 (fifty) per cent. *ad valorem* on cotton yarn imported into India.”

ancient culture, religion, and philosophy. Sir, foreign institutions, which have been grafted on Indian soil by our foreign masters, have not benefited us in the least but have brought us to the verge of ruin. The system of land tenure and land holding, I do not know which is at fault. I will not try to discuss what is at the root of all this agricultural distress, but I may point out that nearly a century and a half ago there was another devastating famine in Bengal which is known as *chiattarer Munwantar*. Sir, if anyone is inquisitive to know all the details of the horror which the people of Bengal suffered in those days, I would refer him to the book of that eminent historian Sir William Wilson Hunter and you will have to admit that the conditions are no less severe in Bengal at the present moment. I know you all sympathise with the poor agriculturist and I hope you will try to strengthen the hands of the Government in anything that they would try to do in order to improve his condition. The condition in Bengal has been such that when a purse was going to be raised for the Poet Laureate of Asia, I mean Sir Rabindranath Tagore, he would not accept the same and said that this was not the time to raise a purse for his University and that it was time to raise a purse for those people who are in distress. I do not wish to tire out your patience by placing before you the harrowing tales of distress and poverty which the agricultural population are going through at the present moment. But I would like to warn you that unless you take note of these facts, unless you sincerely and earnestly try to devise means by which to put a stop to this state of things, conditions in India will not be in any way different from those that obtained in Russia a few years ago before the five years' plan came into force. It is not for me to suggest the remedies at the present moment and I feel sure that the Honourable Member in charge of the Department, whose sympathetic speech we listened to with attention, leads me to hope that he has something up his sleeve which will improve the condition of the agriculturist. I thank my Honourable friend Seth Haji Abdoola Haroon for his Resolution. That indicates a noble mind, a feeling mind and a sympathetic mind. He himself is a rich man, yet he came forward with a Resolution for the alleviation of the distress of the poverty-stricken people. I found Member after Member supporting the principles underlying the Resolution, but they only found some difficulty in working it out practically. I also sympathise with them, and I hope they are also in favour of what Mr. Haroon wanted or what I am putting forward in my Resolution. From what I heard from the Government side, I am emboldened in the hope that there will be a committee of inquiry which will devise means to the best of its ability to give relief to the poor. I wish to submit that more than 75 per cent. of the people of this country live on agriculture. The exact figure of course is not 75 per cent. but something like 73.9 per cent. The Government have their own way of collecting statistics and I shall accept them. But to my mind it appears to me that we have devoted too much attention to industrial development, and industrialism is the bane of our country. Of course, whether it is so or not, it will be for the committee to decide. Industrialism drives an important section of the agricultural population to the towns, and what is the gain? Slum-life and nothing else. It is a Western article imported into India which we never wanted. Industrialism has deprived these people of the little cottage industry with which they could maintain themselves. I can tell you that if you go to a Bengal village, of which I have sufficient experience, you will find that, though they got sufficient crops last year, yet not a single seer of paddy is to be found in the homes of the tillers

[Mr. Amar Nath Dutt.]

of the soil. Why ? Because you have brought in before them cheap industrial products and you have made them accustomed to those luxuries which they would purchase from towns, leaving nothing for themselves to eat. Such luxuries were unknown before. I remember the days of plenty in a Bengal village 50 years back when I was a little boy of four or five years. I witness the distress at the present moment. They were then a very prosperous class of people having nothing to do with politics, undisturbed by friends over there, with no ideas of constitution. They were leading peaceful lives except for the occasional fear from the appearance of a *darogha*, who also disappeared as soon as he got a few rupees. Those days are gone. They had plenty of grains in their granaries, plenty of fish in their tanks and plenty of pure milk, and from the weaver's house, they could get one or two cloths which were sufficient to clothe them throughout the year. Now, you place before them all sorts of tinsels imported from Europe. You bring in all kinds of luxuries from Europe and tempt them. (Laughter.) I see one of the Honourable Members on the Government Benches is surprised at this statement. I say most emphatically that all the miseries to which the agriculturists are subject in this country have been brought from abroad. If the foreigners were not allowed to trade here, I think the condition of the agriculturist would not have been what it is to-day. This favoured land of the gods, surrounded on three sides by the sea, the natural barrier and on the north by the insurmountable Himalayas, except for a few passes through which the foreigners came, while Europeans came in the guise of traders through the seas and subsequently not only monopolised the trade but became rulers. It may be that I am wrong in my analysis of the causes of agricultural distress, but what I beg of you is to have a committee of inquiry which will go into the causes deeply and if I am wrong in my diagnosis of the causes, my views will not be accepted, and the views of others more competent to speak on this subject will be accepted and acted upon. Therefore, I ask the Government to institute a committee of inquiry comprising of people who know the exact situation of the agriculturists in this country, not comprising merely of well-to-do people, who can merely talk here or elsewhere, but comprising those who live amongst the poor people, who know their real needs and who live with them day in and day out. It is only such men that can go into the real cause of the situation. They must be men who can understand the situation, and who can devise means for the alleviation of the distress of the agriculturists. I do not want Commissions of the type which were instituted in the early eighties. There were several Commissions instituted.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I understood those were days of plenty.

Mr. Amar Nath Dutt : I may remind you that our miseries began not from 1757 or 1857, but from 1193.

Mr. K. Ahmed : During the Muhammadan period.

Mr. Amar Nath Dutt : I think it is too late for any Honourable Member to go to school to learn all the dates. Even if he is sent to school he will not take the lesson. There was a Famine Commission in

1880, another in 1898 and another in 1901. We had one Irrigation Commission and that was in 1903. Then we had also a Committee of Co-operation in the year 1915 and last but not least we had the Agricultural Commission in 1926. You had so many Commissions, but you missed the real point. You did not enter into the real causes of the distress, but you merely satisfied yourselves with high-sounding phrases. You wanted to have scientific agricultural research, the Research Institute, Pusa College and things like it. We do not want them. They merely provide a few more jobs.

An Honourable Member : Few more jobs for Europeans.

Mr. Amar Nath Dutt : No, we have some Indians also, and one of them I see here. Be that as it may. What I submit is those are good literature and probably good literature for the consumption of the West, people of the West who have no knowledge of the actual situation in the country. I ask you to be a little more sincere, to take into your consideration the actual situation of the country, because such things can never happen at least from those principles of political economy which we learnt more than 35 years ago which are said to be exploded now. When there is ample food, there can be no famine. Yes, we grow ample paddy, but still all the paddy goes to, I do not know where, at least it does not remain in the homes of the agriculturists. Sir, I do not pretend to philosophise about the five year plan or the hoarding of gold by France or the United States. These are things quite outside my province. But what I want to say is this : let us do away with all these things ; let us seriously undertake this business of inquiring into the causes of distress and do the best we can to alleviate the distress of the people ; and for this I make an earnest appeal to the Honourable Members sitting on the Treasury Benches. With these words, I beg to move my Resolution.

Mr. B. Das (Orissa Division : Non-Muhammadian) : Sir, I feel grateful to my friend, Mr. Amar Nath Dutt, for having given this House this opportunity to talk about the distress of the agricultural population. Some of the Provincial Councils have already discussed this problem and some of the provinces have already taken steps, but everybody recognises that the Provincial Governments are handicapped ; they cannot take adequate steps without the Government of India coming to their succour, and the Government of India themselves own large territories where also the agriculturists are in acute distress. My friend, Mr. Amar Nath Dutt, has spoken as a member of the proletariat ; I myself am an agriculturist and a farmer ; I speak as a practical farmer and I will not refer to the five-year plan in Russia or to what will happen when my friend Mr. Amar Nath Dutt sits on the other side and forms his five-year plan.....

Mr. Amar Nath Dutt : That will never be.

Mr. B. Das : I do not want to go into the hoary past of 1880 nor into the tragic ratio troubles that happened in 1905 thereafter. I come to the immediate past. What are the causes of the acute distress among the agricultural population to-day ? Those of us that were Members of this House during the ratio trouble, when the Government of India by the order of the Bank of England and of the British Government forced down the throats of an unwilling people the 18d. ratio, those of us who were on this side warned the Government that they were leading the agriculturists to ruin, and that the purchasing power of the agriculturists

[Mr. B. Das.]

would go down and that they would have no money and there would be scarcity of money in the country. That has happened. The agriculturist has suffered from heavy assessment of land revenue by the policy of the alien government which has ruled India for so many years. There was a time in India when there was no venue of taxation except land revenue, and they went on raising it till they could get the maximum blood out of the agriculturist. Since then the Government of India have got other methods of taxation. The Customs revenue has gone up to Rs. 50 crores per annum and there are other methods also. The Government of India might have given relief to the agriculturist ; but they could not ; under the Montague-Chelmsford reforms, land revenue became a provincial source of revenues ; and many a province, like mine—Bihar and Orissa—lives only on land revenue and on the money derived from excise duties. The people must drink more, Sir, under this civilised Government so that their civilised administration shall continue. So now the Government of India and the Provincial Governments have come to a position when they have to pause and think whether the agriculturist should receive any relief. But the situation, that was created by the ratio Bill of 1925, has brought great economic distress in the country. My Honourable friend the Finance Member cannot accuse me that I have not taken into account the drop in prices all over the world. I have taken that into account, but the legislation of the Government, whether Central or Provincial, should be so flexible that it will take into account the drop in the world level of prices, and it will automatically ensure that land revenue also will be reduced. I recognise that some of the provinces—especially the United Provinces as I recently read—have announced that they have permitted their district officers to give relief to land revenue to the extent of 50 per cent. That is something ; but it is not all. While I support the idea of a committee, I would suggest that while the committee is going on with its investigations, the Government of India have ample opportunity to take certain action ; the Finance Member of the Government of India and the various provincial Finance Members and the Revenue Members could meet together and devise means how they can give immediate and adequate relief to the agriculturists in the country. The Finance Member, who always taps our resources and takes loans from the public, can take a few crores more loan and give it to the provinces so that relief could be given to the distressed taxpayer.

I must observe here that a certain loan has been floated recently to tap an already impoverished people. There is scarcity of money in the countryside ; everybody knows that the agriculturist cannot pay his land revenue to the Government, and yet to-day the Honourable the Finance Member has floated a loan whereby he wants to tap the little hoarding of the masses in the countryside. He has floated his recent Postal loan ; I do not know how much he will get ; he is going merely to enrich those who have already Cash Certificates at $4\frac{1}{2}$ per cent. They will convert them to $6\frac{1}{2}$ per cent., and he is going to add to the distress of the countryside. I know that the President of the Indian Federation of Merchants Chambers has already protested and all the Indian Chambers of Commerce have protested against this unwise step which the Honourable the Finance Member has adopted. That shows that the Finance Member, sitting in the cool climate of Simla, does not take note

of what is happening in the countryside. Thinking that the provinces are autonomous or semi-autonomous and that he has no concern whether they are solvent or insolvent, he is not concerned with the distress of the agriculturist.

My friend, Mr. Amar Nath Dutt, had a cheap gibe at the industrialists of India. I confessed at the start that I am a farmer, but I am also an industrialist. On behalf of the infant industries in India—because we are just making our headway—already we are suffering heavy losses through the ratio policy of the Government of India and general trade depression—and it is no use my friend laying the blame at the door of the Indian industrialist. He must have gone himself deep into the problem and ought to have pointed out that, apart from the drop in price levels, it is the ratio policy of Government of India that has made the agriculturist so poor that he cannot buy his daily luxuries and he cannot pay the taxes that are due to the Government or to the landlord. It is recognised on all hands by economists, whether Indian or European, that the Indian land revenue is assessed very high. If it was 55 or 60 per cent. two or three years ago, it is 100 per cent. to-day as it happens to be in Orissa. Even if the agriculturist sells his whole output, he cannot meet the demand of the Government or the landlord who collects the revenue. This Government want to pose as a civilised government. Their primary function is, even without appointing a committee of this Legislature, without appointing a committee of experts, to go themselves into the problem, and if there is justice on the side of the agriculturists, they must come forward and reduce the land tax to an equitable basis of taxation. I challenge any Member of Government to come forward and say that to-day the Indian taxpayer pays land revenue which is equitable, and can my Honourable friend the Finance Member who comes here with a better experience of England.—can he say why the land revenue is so low in England, and why the incidence of taxation in India is so high—as high as in England, considering at the same time the income per capita in India as compared to England? Why should he not take steps to reduce the taxation to a limit which every civilised nation pays? I hope that the Government will have sympathy to do that. Whether they appoint a committee as suggested by my Honourable friend, or whether they themselves go into the problem, I commend to them to go into the question. Otherwise, you talk of terrorism and revolution. There will be a revolution, an economic revolution in the country where the masses will rise and upset every Government and even those of us who pose as capitalists.

Mian Muhammad Shah Nawaz : (West Central Punjab : Muhammadan) : Mr. President, I whole-heartedly support the Resolution so ably moved by my Honourable friend Mr. Amar Nath Dutt. It will be freely admitted that the prosperity and the defence of this country very largely depend upon the well-being, happiness and contentment of the agricultural population which forms the bulk of the people of this country. It will also be admitted that widespread distress and discontent have been caused by the terrible decline of prices in agricultural commodities. Sir, the agricultural population is on the verge of revolt. Honestly speaking, the situation is one of desperation. There is confusion among the agriculturists worse than death and it is growing worse day by day. Look at the hard facts of the situation. The agriculturist collects his yearly due of corn, wheat, maize and cotton,

[Mian Muhammad Shah Nawaz.]

and when he collects it and it is a saleable commodity, the demand comes from the Government for payment of the land revenue and the water rates, and the whole income is lost. I can say without exaggeration that there is not a single agriculturist in the whole of the Punjab who can save a penny from his lands. My Honourable friend Mian Sir Fazl-i-Husain will bear me out when I say that no one can save a penny. All the income goes towards the payment of land revenue and water rate. In this House I have the honour of representing what used to be one of the richest colonies in the whole of India, but which is now in the most distressed state, I mean the Lyallpur Colony. The land revenue from that colony used to be Rs. 2 crores and the zemindars were willingly paying the heavy land revenue and water rates to the Government and were themselves in good circumstances. At present I am receiving letter after letter saying that they are selling their daughters to meet the crushing demands of the Government and their creditors. They have already sold ornaments of their womenfolk and they have mortgaged their lands. They have no capacity to pay and they are on the verge of ruin. I make no exaggeration whatever, and I say that I cannot be an honest man if I make an exaggeration in this respect ; I will tell the truth. By the traditions of my family I am not an extremist, or disloyal to the Government, but the hard facts of the situation must be told to the Government in the interests of the agriculturist population and the public. I say that if the Government were to treat the agriculturists fairly, kindly and generously they would be all right. There is a couplet in which the old Sadi said :

*Maraat-i-dahqaan kun az bahr-i-khesh,
Ki mazdur-i- khush dil kunad kar besh.*

In your own interest treat your cultivators and agriculturists with consideration and kindness as a happy labourer works harder and harder to enable him to pay your dues and also receives his own income. Have Government done much to meet the present situation ? I submit that the Government have failed to give material relief to the distressed agricultural population of Northern India. Sir, if the situation continues like this, the agriculturists will not care much for the present administration, good, bad or indifferent. The duty of the Government is not to maintain law and order only. The duty of the Government is to look after the well-being of the people of this country, especially the agricultural population, who form 90 per cent. of the whole people. So far as the agriculturists are concerned, the present administration has failed. In the Punjab the distress is so widespread that the Governor in Council is in a difficulty, the Revenue Member is in a difficulty, and everybody is in the grip of a dire calamity, and yet we are hoping against hope for the best. Pain, pain, no hope, no pause, and no redress ! And it is strange that yet the agriculturist continues to endure. No food for subsistence for the children of the producers of grain, hard labour for aged agriculturists, sore task to hearts worn down by incessant payments of crushing land revenue and water rates and limitless debts with exorbitant rates of interest. Surely, surely the Government cannot view this awful situation with equanimity.

Sir, I would like to suggest many remedies which should be considered by the Central and Provincial Governments and should be considered forthwith, before the assessment on the *Kharif* crops comes to be

paid. First of all, I submit that the land revenue should be cut down by 50 per cent. Secondly, the water rates should be reduced by 40 per cent. in the Lyallpur Colony which, as I have said before, I have the honour to represent in this House, 7 years ago the land revenue was increased by 42 per cent. Then the price of wheat was Rs. 4-8-0 per maund, the price of cotton was Rs. 13 or 14 per maund. What is the condition to-day? The price of wheat is Rs. 1-4-0, that of cotton is Rs. 3. Is it not just, is it not fair that the Government should reduce the land revenue by 66 per cent., at any rate by 50 per cent.? The water rates used to be much lower, fifteen or twenty years ago, than they are at present. Now that the prices of agricultural products have gone down so low is it not fair, is it not just that the water rates should be reduced at least by 40 per cent.? If the Government are not prepared to do all this, then I say to the Government, I cannot pay you in cash, I pay you in kind. (Applause.) That is the only alternative left to the agriculturists. I stand here at the bar of this House and demand justice from the Treasury Benches and also from Mian Sir Fazl-i-Husain who is in charge of the subject. Does he not possess land in the Lyallpur Colony? Can he say that he earns any income whatever from that land? Can he swear that he does? (*An Honourable Member* : "Pause for a reply.") Sir, we cannot pay you in cash, then take it in kind. What is the due of the Government? 25 per cent. in the Punjab. I collect my corn, wheat, maize, cotton, barley or whatever it is. I give you 25 per cent. in kind, after defraying charges, towards the payment of land revenue. In addition to this the cultivators will give to the Government 25 per cent. of the yield in kind. One half is our due and in fairness and justice we are entitled to it. I must have it. It is ridiculous and absurd to hold that I must give my entire earnings—earned with hard labour, to the Government for the expenditure of a top-heavy administration. Mr. President, in the old times of the Moghul rule and the Sikh Government, the agriculturists were never so badly off as they are at the present evil times. The then Government used to levy their dues in kind, after the agriculturist had fed his cattle,—he used to have as much fodder for his cattle as he liked,—the Government took one-third in kind and not in cash and everybody was satisfied. The trouble is this that the prices of grain have gone down very much. Indeed we do not know what to do. It is but just that the Government should have their dues in kind or their value in money. Whether the Government have got to employ many servants or a few servants we do not care. I repeat it, Sir, that we cannot pay you in cash but we must pay you in kind. If the Government want payment in cash, then they must reduce their demand by 50 per cent. in respect of land revenue and 40 per cent. in respect of water rates. At any rate reduce it to the level which existed 30 years ago. Or if the Government must be paid in cash, then they must be satisfied to charge from the agriculturists on the basis of income-tax.

Then, Sir, it is an admitted fact that the agricultural population is buried in debt throughout their lives. There is a proverb which says that an agriculturist is born in debt, he lives in debt and he dies in debt. How to meet the situation? Cannot we fix a rate of interest, say 9 per cent. or 12 per cent. per annum? I know in Turkey it is 9 per cent. and in some other countries it is 12 per cent. fixed by law. In the Czecho-Slovakian constitution I find that usury is prohibited by the constitution. Here in India is a state of things of which Government can never be proud of. I know in the city of Lahore and in several towns and rural areas

[Mian Muhammad Shah Nawaz.]

the money lenders are exacting 36 per cent. and 48 per cent. from the most respectable men, and yet there is no remedy for this. I do not wish to say anything against their Lordships of the Privy Council, but I have a great complaint against Government. Their Lordships of the Privy Council have laid down, rightly or wrongly—I do not challenge their judgment and they do not know the conditions of this country—that if the rate of interest agreed upon is 24 or 36 per cent. per annum it must be enforced by the courts of justice. Courts of justice ! As if freedom of contract can exist between the lion and the lamb ! This is the state of things, and yet Government have paid no attention to it whatever. I earnestly request you, Sir, to fix the rate of interest at nine or twelve per cent per year. It should never exceed 12 per cent. Indeed the Hindus even in the days of Manu never exacted double the principal. The Europeans have brought the so-called freedom of contract in this country and the rate of interest is enforced at 36 and 48 per cent. ; and in this year of grace 1931, no one cares to find a remedy despite the fact that the agriculturists are in a state of helplessness.

Then, Sir, retrenchments must be effected in all the Departments of the provinces and the Central Government, and the salaries of the officials must be cut down by a certain percentage and the relief must be given to the provinces. Otherwise there is no hope for the provinces at all. The provinces are living from hand to mouth. No retrenchments can relieve them unless the Government of India come to their help. Retrench your Army, reduce your military expenditure, cut down the salaries and help the provinces and help the agriculturists, and for God's sake do it quickly, otherwise it will be too late. A noble lead has been given by His Majesty the King-Emperor. His Majesty has cut down his civil list by £50,000. And His Royal Highness the Prince of Wales has reduced his household expenses by £10,000. I request the officials to follow the noble lead given by our Emperor. Again, Sir, has not the Honourable the Finance Member a borrowing programme for the benefit of the agriculturists ? Can he not give a portion of the money he is going to raise to the Provincial Governments so that they may in turn give it to the agriculturists at the rate of 6½ per cent., the rate at which he is himself raising it ? Is he going to do this ? I doubt very much. The Government are so indifferent because the agriculturists are weak and do not agitate. But I am afraid the day of reckoning is not very far. In January last when the Wheat Bill (now the Wheat Act) came before this House, clause 3 was not deleted and my friend on my right was in favour of retaining it because he would not disturb the contracts. I said then that we were sitting on the verge of a volcano and yet thinking of a few contracts. And what is the position now ? The contracts still exist and tons and maunds of wheat are coming from Australia and other countries. A few wealthy contractors and the millers are still bringing their cargoes from Australia on the basis of bogus contracts to jeopardise our own interests at home. That is the way the Government treated the agriculturists in the Delhi Session for the benefit of a very few Midas-eared and emerald-necked contractors. Even at that time I said that we must raise a high tariff wall against the importation of wheat and cotton, etc. But nobody listened to me and nobody cared. But the Government have got to care for the agriculturists very soon.

Mr. President : The Honourable Member's time is up. I will allow him only two minutes more to conclude.

Mian Muhammad Shah Nawaz : I will not take any more time, Sir. I have placed the case of the agriculturists quite clearly and fairly. I have spoken with the greatest frankness. I assure you that I am not an alarmist. I am a well-wisher of the Government. Indeed Government have brought peace and prosperity to this country ; but it is the bounden duty of Government to look after the interests of the agriculturists and they should look after them in time so that there may not be any danger of an upheaval. Surely the Government cannot create a desert and call it peace. With these words, I whole-heartedly support the Resolution. (Loud applause.)

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (Member for Education, Health and Lands) : Sir, we have listened to three speeches on this Resolution. I am ready to admit that there is a great deal of truth in every one of the three speeches made. There is a great deal of what has been said by the three Honourable Members with which I entirely agree. But what we have to see is, starting from the substratum of fact and truth that is in every one of these three speeches, what is it that we want to do and what is the right method of achieving that object ? We really have by now passed beyond the stage where it is necessary to work up our sentiments in favour of the agriculturists. Government at all events do not stand in need of that being done. We know the problem perfectly well ; we know perfectly well that all is not well with the agriculturists. We know perfectly well that, after having a wonderful windfall of high prices during the last 10 or 15 years and having thus been led by Providence to improve his standard of comfort slightly, the fall that has come is felt by the agriculturist all the more because it is a fall from a slightly improved standard of comfort in living. We all know that. The Honourable Member who spoke last appealed to me to say whether I made much out of my lands in the Punjab. He may rest assured that, although a short while ago Revenue Member in the Punjab and now here, I make no more than he does out of his lands.

Sardar Sant Singh (West Punjab : Sikh) : Did you not pay land revenue out of your pockets this year on the *rabi* crop ?

Mian Muhammad Shah Nawaz : I paid Rs. 350 from my own pocket in addition to my income from land, which was absorbed in the payment of Government dues.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : That is all very well. I say that I am fully cognisant of all the troubles with which the average farmer is faced, and all the disappointments with which the large land holders or the professional man who has an agricultural income, is faced. All these are facts and I can assure the House that these are perfectly well known to Local Governments. In many of the Local Governments, the Revenue Members are themselves suffering from all these troubles which have been referred to by the previous speakers. We may take it therefore that as regards the troubles from which the agriculturists and landholders, large or small, are suffering, there is no misunderstanding on the subject and no misapprehension whatsoever. I think it would be right if at this stage

[Sir Fazl-i-Husain.]

I place before Honourable Members certain information I have been able to collect from the Local Governments. I have frankly admitted that there is a great deal of economic distress amongst the rural people in India. None of us individually, barring myself perhaps, is in a position to know exactly what the situation in each province is. Each Member knows more or less what is happening in his province, but he cannot be expected, unless he is keeping himself in touch with all other provinces, through his friends in those provinces who are in the know, to know all these things. The position is like this. I will first take Assam. There remission of land revenue had to be resorted to and a good deal of land revenue had also to be suspended. This action indicates that there is agricultural distress there and the Local Government had to meet that distress by having resort to what has already been suggested by the three speakers who have spoken. Not only had the Assam Government to suspend land revenue, but they had to give *takavi* as well. I may mention for the information of Honourable Members that *takavi* is not given by Government at the exorbitant rate of 12 or 18 or 24 per cent. It is seldom given at more than 6½, and the rule is 6½ per cent. Therefore Government do not resort to the distribution of *takavi* in order to make money, but simply and purely to assist the poor agriculturists. I may further add that recently there has been a great change in the method of distribution of *takavi*. In the old times *takavi* used to be given to these people at the district headquarters or at the most at the headquarters of the tahsil, and it cost some money to the man to come to the district or tahsil headquarters. Under the improved system, Collectors depute a number of revenue officers to go about the district and find out where money is needed for the purchase of seed or bullocks. In Assam, they had unfortunately to have recourse to opening test works. They are not opened in a place unless the distress is so acute as to need a decision on the point whether famine works are to be opened or not. They had further to give gratuitous relief in the case of women and children. The Local Government in Assam is fully cognisant of the distress there and is doing its best to help the people to the utmost that lies in its power.

Next we come to Bengal, which in the matter of land revenue is luckier than most other provinces. I believe the question of the remission of land revenue does not arise there. In Bengal, agricultural loans have been given to the extent of 10 lakhs. Test works have been opened and Rs. 45,000 has been spent thereon. Gratuitous relief to the extent of Rs. 68,000 had also to be given. That again bears out the fact that in Bengal there has been some distress, and efforts are being made to meet it. The continuance of low prices is no doubt a serious blow to small landholders. As has been rightly pointed out, a debt of Rs. 100, five acres of your produce of jute or wheat might have been quite enough to repay, but now the same debt cannot be repaid because the prices have gone down and the produce of the same land, though same in quantity, will not fetch even one third the money. The condition in Bengal however is not so serious as in some other places. In the adjoining province of Bihar and Orissa *takavi* has been made available. It has actually been distributed.

Mr. B. Das : No announcement has so far been made.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I will just advise the Local Government that it is best to advertise the good work they are doing.

Mr. Gaya Prasad Singh : To what extent ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : To such extent as the proposals of the Retrenchment Committee of the Assembly will permit. The condition in Bihar and Orissa is not so bad as in many other places. Collection of revenue has been fair.

Mr. B. Das : The collections have been extorted by zamindars and District Magistrates. The condition there is the worst in India.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I would request my friend to be a little more careful. He may be perfectly justified in saying that the condition in Bihar and Orissa is bad, but he cannot generalise that it is the worst. He really cannot know the conditions in Ajmer-Merwara, in the Punjab and the United Provinces. I admit that it is very very bad, but you cannot say that it is the worst in India. Here again the complaint is that money is scarce. Reading these reports, one gets absolutely sick of the repetition of this complaint that money is scarce. Why not do away with money and have recourse to some such thing as barter ? The next province, the Central Provinces, seems to be better off than many parts of India because it appears that they have been lucky enough to have their land revenue assessment at a lower rate than other provinces. There is no cause for much anxiety there. It is refreshing to know that.

Mr. S. G. Jog : (Berar Representative) : Has the Honourable Member figures relating to Berar, where the distress is acute ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Under Federation we might have. Here we have an interesting philosophical and critical account of the theory about low prices.

4 P. M. We got a very illuminating paragraph on the subject of low prices. Low prices ? Yes, it is there, but you cannot say that there is not enough of produce ; there is plenty of grain to eat, and plenty to sell. Low prices ? Yes, that is troublesome ; but does it really matter very much, taking society as a whole, because low prices benefit quite a lot of people ; they do not benefit me a bit, I assure you. They do not benefit any producer of grain. But everybody is not a producer ; and therefore some people do benefit thereby. The people who are suffering the most by these low prices are, I am told,—and there is a great deal of truth in it, I recognize—either the big landlords or the absentee landlords. That is perfectly true. My friend and I both belong to the last category.

Mian Muhammad Shah Nawaz : We have no time to go to our lands.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Well, the second class of people that are suffering the most are the enterprising people who had taken long leases of agricultural land, hoping to make lots of money thereby. Having taken long leases, at rates which prevailed two years ago, they, naturally, are now down, absolutely

[Sir Fazl-i-Husain.]

down, but I understand, though I have very little acquaintance with business affairs, that that is a contingency which does occur to many who try to become rich quickly (Laughter). The third class, Sir that has suffered the most is the class which was in the unfortunate position of owing large debts at the time when this trouble arose, when this distress came. Well, they had borrowed large sums, but when they have to pay them back, especially in the case of those who have to pay from their agricultural income, to them those debts have become three-fold, excluding interest and every thing else ; well, they are very hard hit. We must sympathise with them. We must see whether we can help these people. If we can, well, we ought to try ; and if we cannot, you must not refuse them the sympathy that we can give them. Passing on from the Central Provinces, Sir—I have forgotten Burma, and I must go back to Burma (*An Honourable Member* : “ Leave Burma alone ; they want separation ”). Sir, as long as Burma is in India, it is our duty to treat it like ourselves ; therefore it will never do, because they are contemplating separation, that we should (*An Honourable Member* : “ They are not contemplating separation ; you are forcing it on them ”) try to shirk our duty to them : we must try to be so affectionate and so mindful of them that such intentions as they have of getting separated may be revised. (*An Honourable Member* : “ They have no such intention of their own ”.) Well, in the case of Burma, the reduction in land revenue has been very considerable.

Mr. B. R. Puri : That is why you are anxious to talk of Burma ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : And *takavi* also has been given to the extent of 56 lakhs.

An Honourable Member : Was that before the riots, or after the riots ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I think both before and after.

Mr. B. R. Puri : And during the riots too ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Passing on from Burma to Bombay, the remission of land revenue by the enlightened Government of Bombay has been to the extent of 40 lakhs. (Hear, hear.) That is not a small sum by any means.

Mian Muhammad Shah Nawaz : What is the percentage ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I am afraid I could not tell you that. There has been suspension of land revenue to the extent of 28 lakhs and of water rates to the extent of 4 lakhs.

Mian Muhammad Shah Nawaz : Out of 6 crores, 40 lakhs ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : They make much more, by excise. Therefore, Sir, the Bombay Government, I am sure the House will recognize, has not done so badly. Coming on to Madras, that is a lucky province ; they are not so subject to all these fluctuations in the prices of agricultural produce as the rest of India. (*An Honourable Member* : “ And they have plenty of rainfall ”.) They had to suspend their land revenue a little, and they are doing

fairly well, considering the circumstances prevailing in the rest of India. (*An Honourable Member* : "That is because the price of rice has not so much gone down.")

Sardar Sant Singh : And therefore there is no Member from Madras present now.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Loans have also been given to a fairly large extent there.

Now coming to the United Provinces, you know there are peculiar conditions there of the system of rent ; that is to say, the dues from the cultivator to the landlord, the rent, they are all cash rates. My Honourable friend was saying, "Take it in kind". I wondered whether he was in league with the Kisan movement in the United Provinces and against most of the Taluqdars, or whether he was only thinking of himself and myself and not of the United Provinces landlords. Sir, the conditions prevailing in the United Provinces are quite different from those prevailing in other parts of India. But the economic conditions, difficult and complicated as they are, have been made much more complicated by the inter-action of economic and political forces. Yet I am glad to be able to say that the United Provinces Government have had recourse to the constitutional machinery of invoking the aid of the Legislative Council to solve this tangled scheme. A committee was set up to see to what extent the fall in prices should be reflected in the amount of land revenue to be demanded by the Government, and the rents to be fixed between the landlord and the tenant. I have no doubt that the underlying idea of what was said by Mr. B. Das and my Honourable friend, Mr. Shah Nawaz, led in the same direction. Great minds often think alike ! Apparently, the United Provinces Government and the Members of the Assembly are thinking alike.

Passing on to my own province, the Assembly will no doubt see from the figures I am going to quote, the extent of the distress prevailing there, and the responsibility of the Administration of that province. During the last year, land revenue to the extent of 1 crore and 40 lakhs had to be remitted. One crore and forty lakhs ! That is, in land revenue and water rates. There is distress in two districts where test works have been opened, and some gratuitous relief has also been distributed. The suspension of land revenue in other districts has also been resorted to. *Takavi* is liberally distributed ; concessions in canal areas are also given ; and railway freights of over a lakh had to be paid by the Punjab Government because their expectations did not come up to the figure to which they ought to have worked up their exports to Calcutta.

Mian Muhammad Shah Nawaz : But are the conditions materially improved ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Now, Sir, these are all but palliatives. I do not claim that any Local Government has put the matter right, or for the matter of that can, in a year or even two or three years put matters right. Is this trouble of low prices a trouble limited to a province or limited to India ? Are the Government of India responsible for the low prices that prevail here or, at all events, are we entirely responsible for them ? Is the responsibility wholly ours ? If some Members for a moment think

[Sir Fazl-i-Husain.]

that that is so, I would request them to study the conditions prevailing in other parts of the world. I will not go so far afield as the whole world but would confine myself to the British Empire. Are not the Australians quite near us? I have got in my hand the Journal of the Parliaments of the Empire, and Australia claims quite 56 pages of this book. It is very sad reading from beginning to end. I have been through it. Canada presents another tale of sorrow. They have tried to do there all that has suggested itself from time to time to various persons who want to improve the lot of the agriculturist. In one place they have actually said that every man who produces say a maund of wheat ought to get 4 annas, and the Finance Member was asked to raise a loan as was suggested by one of my friends here. There is a strong party in favour of it, but they had reached the stage where the loan could not be subscribed. Therefore, it is easy enough to devise schemes to help the agriculturist and we may succeed in helping him for a year or two, but the process cannot go on for any length of time. We have heard this morning the enormous debt which the agriculturists of India owe. It is something like 875 crores of rupees, the interest of which we were told comes to about 237 crores. I find from this book, which is very interesting, that in Australia the annual produce of the farmers has not been found this year or the last year, I forget which, to be enough to pay the interest on the debt due from the farmers. Does not that sound bad? They say that the produce of a farmer is not enough to pay even the interest which he owes for the debt that is due from him?

Seth Haji Abdoola Haroon : The same prevails in India.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Then I can tell my Honourable friend that "*margi amboh jashni darad*".

Mr. Amar Nath Dutt : What does it mean?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : It means this, Mr. Amar Nath, that if you were called upon to die alone, by yourself you might feel a little bit awkward about it and feel hurt also, but if you were told that you and all the Members of the Assembly would die together, you would not I trust mind it very much. (Laughter.)

I do not really mean to say that we must not take this economic distress seriously nor that we should not strain every nerve of our brains to devise means to meeting it and overcoming it as far as possible. But at the same time it is no use taking it so seriously to heart as to imagine that we are the only afflicted people in the world, and not others, because obviously there are others also. I assure you that I have tried my level best to find out why we are all suffering in India as well as outside India. I must say I have not got the financial gift to make that discovery. Somebody said there is not enough money and we must find money. I must say as a Member for Education in charge of all sorts of researches that are going on now and which might be stopped owing to the retrenchment campaign, that none has yet discovered the old *Kimya* of making gold that we could distribute in the country.

But one thing I can tell the Assembly straight away. It is this. They want me or want the Government to institute a committee of experts and Members of the Assembly to inquire into the present agricultural distress. Is it to inquire whether this distress exists or not? If that is the object, then it is useless to have a committee, because we know there is distress. Then, admitting that there is agricultural distress, this committee is to do what? To devise means for improving the condition of the agricultural population. Now, just imagine, this committee is to devise means for improving the condition of the agricultural people. Surely, India did not spend 13 lakhs of rupees on the Royal Commission on Agriculture which sat for 18 months and which produced 14 volumes and which made a book of recommendations, in pursuance of which this Assembly organised a Governing Body of the Council of Agricultural Research which is functioning now and which the Assembly is now thinking whether they should not do without.

Mr. B. Das : Mr. Amar Nath Dutt never meant that.

Mian Muhammad Shah Nawaz : You are avoiding the issue.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The other way of improving the condition of the agriculturist is well known to all of us and I hinted at it this morning, namely, the nation-building activities in the rural areas. Without primary education and without removing the ignorance of the rural masses, it is impossible to achieve any success. They lack vitality. We have tried to do away with things that bring about lack of vitality by improving the public health conditions of the malaria-infected areas. When we are doing this and many more useful things on the top of it comes this financial depression, and what is the result? Honourable Members sitting opposite are advising strongly that all activities beneficent or otherwise should be stopped.

Mr. C. S. Ranga Iyer : Yes, food first.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : True, I bow to that. But is this committee going to find food or to advise how food is to be produced, and can food be produced unless people who are to produce it know what is the right way of producing it?

Mr. B. Das : It will reduce the land revenue and thereby bring more food.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : As for land revenue and water rate and things of that description, no useful purpose can be served by constituting a committee of the Members of the Assembly and experts. That is a matter which is peculiarly the concern of the Provincial Governments and Provincial Governments have their Legislatures, to which Legislatures in money matters they are responsible. Therefore, to say that we should take upon ourselves to do the work that Local Governments and Local Legislatures are doing, to my mind, is hardly fair to them. It shows hardly the right appreciation for the efforts that they are making, and if I may venture to say so, it is the usual frailty of all associations and legislatures—they feel that they can do the work of other legislatures ever so much better. Therefore, I strongly place these points before the House to show

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whether we are not really having recourse to the appointment of a committee as a matter of personal satisfaction and not that we really expect much to come out of it. If it is so, I trust the Assembly will not adopt the Resolution.

Mr. Arthur Moore (Bengal : European) : After the sincere and impassioned speech of Mr. Shah Nawaz, I think the Member who doubted the realities of agricultural distress and agricultural unrest must have revised his opinions. But, Sir, it is only a few years ago since the Indian taxpayer spent a sum of 14 lakhs on an agricultural enquiry and as far as I know the principal result of that was the Council of Agricultural Research, and I am told, I do not know whether it is correct, that in these times of financial stringency there is already a proposal to abolish that Council of Agricultural Research. Now, it seems to me that it would be the height of paradox on grounds of financial stringency if we abolish the results of one Commission, and for the same reason decide to set up another machinery of enquiry which would involve fresh expenditure. Therefore, I cannot see my way to vote for my friend, Mr. Amar Nath Dutt.

Mr. Amar Nath Dutt : You have never voted with us.

Mr. Arthur Moore : O, yes, we have been in the same lobby several times. At the same time one of our objections to this Resolution is that it is really a delaying Resolution. We do feel that the agricultural situation is extremely serious and that something has got to be done. The unfortunate agriculturist has through the catastrophic fall in the price of silver lost his savings and through the equally catastrophic fall in the price of commodities has lost his income, and as well as that he is loaded down by debt. Therefore, I would like, if it is possible, to get some indication from Government as to what real measures they think can be taken. Some Members would be interested to learn something of the question of the possibility of re-monetization of silver. The proposal is rapidly making new converts, and we would be very glad if it were possible for Government to give us a little information on that question. Certainly I would not ask them to commit themselves, but they can tell us something whether it has reached some definite stage of discussion, in what I imagine must be an international discussion. We would be very glad to know if there is in the offing any possibility of speedy international action with regard to silver, which we do feel might bring possibly enormous relief to the Indian agriculturist.

Further, there is the question as to whether there is under contemplation by Government any real and effective measure to deal with the exorbitant interest charges to agriculturists, and whether in the opinion of Government a really practicable measure is possible.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Sir, I must confess that I was somewhat disappointed with the speech of the Honourable Mian Sir Fazl-i-Husain. I was disappointed not because I did not recognise in his speech his usual sympathy for the agricultural masses, he was so full of it, but I was disappointed because his speech was devoid of any practical measures to meet the situation, a fact which I believe Mr. Arthur Moore also had in mind when he definitely wanted to know what the Government had to show in a practical way to deal with the situation. I believe on this problem, so far

as the question of sympathy is concerned, the House is unanimous, as it never has been in the past, but mere sympathy without its being translated into actuality will not deal with the situation with which the country is confronted. Sir, as an old Member of this House, I remember the agony that prevailed on one side of the House when the ratio and exchange question was being discussed. I also remember on that occasion the warning that was given to the Government from the non-official Benches, how, as they thought, this manipulation of the ratio and exchange would affect the agricultural masses in an agricultural country. Unfortunately today the Honourable Member responsible for the creation of that particular ratio is absent and the burden of his responsibility falls on new shoulders. We have not had any assurance from the Government that they propose to take any practical step in the way of revising the ratio, and curiously enough the Honourable Member on behalf of the Government who spoke, spoke only about how much the Government feel in this matter and what they have done in certain provinces and that it is a provincial matter. When a matter of this kind is brought before the Assembly, we are told, "Go to the provinces"; then I say there should have been no discussion at all in this House. There should have been a provincial discussion. But it is an all-India problem, and every province is affected and we want more or less uniformity of treatment. There is no use saying that parts of the Central Provinces are better off than parts of the Punjab; there is no use saying that in the United Provinces there is what the Honourable Sir Fazl-i-Husain was pleased to describe as "inter-action of economic and political forces". Sir, I thought that that expression, with all its implications, would not have been used in this House, especially after the Government of the United Provinces and the politicians of the United Provinces agreeing to observe the Settlement and the inter-action of economic and political forces, as he himself later on was pleased to observe, found expression in what is called the appointment of a commission of enquiry. What is demanded now is not what Mr. Arthur Moore was pleased to observe as a delaying process. We do not want anything in the nature of expensive machinery either. If he has read the Resolution, rather the tabled amendment of Mr. Das, he could have understood the purpose that we have in mind.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Where is the amendment of Mr. Das.....

Mr. C. S. Ranga Iyer : I do not want to give way to the Honourable Member. We do not want an expensive enquiry. We do not want an expensive commission of enquiry, as the Honourable Sir Fazl-i-Husain was perhaps thinking, when he was pointing out to us the Agricultural Commission and its enquiries and its recommendations. We know what has happened to the recommendations of the Agricultural Commission. He ought to tell us what the Government have done in regard to those recommendations. He ought to tell us why those recommendations have not been given effect to. There is no use telling us that we are now asking for a commission of enquiry, a sort of white elephant consisting of white men and coloured men and all kinds of men who would just go into a committee of enquiry and make a mountain of recommendations and then just put them aside and not give effect to them. That is not what we are concerned with. We are now face to face with a most difficult situation in the country, face to face with what in his most frank and honest and feeling speech, Mr. Shah Nawaz was pleased to describe as

[Mr. C. S. Ranga Iyer.]

a situation verging almost on a revolution : he did not use that word, but that is what he meant. He said, " Something coming and for goodness ' sake—I am a loyal man and my family is loyal : I am not accustomed to talk like this, but knowing things as I do in the Punjab, something is coming, something like communism ". That is what he had in his mind when he dwelt on the situation getting from bad to worse. At such a time we want the Government to tell us what they propose to do. The Honourable Member-in-Charge talked about Australia, and in a rather flippant and frivolous way, unworthy of an occasion of this kind, said that all of us were in a sinking boat and all the Assembly Members would like to die together rather than die alone. That is the kind of attitude that is responsible for the utter irresponsibility which characterises the policy of the Government when on occasions like this we bring forward practical suggestions to meet a delicate crisis. What has the Finance Member to say I ask, in regard to the revision of the exchange and the ratio ? Is he going to accept the opinion which was expressed in this House when the ratio was under discussion ? If Sir Purshotamdas Thakurdas were here today, or if I were inclined to read from his speeches, I could read to you that his prophecy has turned out to be true in regard to the crisis that has swept over the land.

Then the Honourable Member was talking of America, he was talking of Australia and he was talking of England. Does he understand the average income of an Englishman ? Does the Honourable Sir Fazl-i-Hussain understand the average income of people in America and the average income of the Indian ? Has he made a comparative study of the situation there and the situation here ? I am simply astonished that a Member entrusted with much responsibility should talk so frivolously in this matter. We should like to know if Government officials drawing high salaries are prepared to forego 30 or 40 per cent. of their salaries until the situation is tided over ?

Sirdar Harbans Singh Brar : Like Australia.

Mr. C. S. Ranga Iyer : My friend, Mr. Harbans Singh says like Australia. I do not know why that quotation did not emanate from the Honourable Sir Fazl-i-Hussain (Laughter), or from the gentlemen seated on the Treasury Benches. I ask, are they prepared to forego 40 per cent. of their salaries until the agricultural and economic situation improves ? We have no answer to that question. The proper thing would be for men drawing over Rs. 500 to forego 40 per cent. of their salary, and men drawing under Rs. 500 to forego 20 per cent. of their salary. Let us face things in a practical way. We do not want commissions of enquiry ; we do not want white elephants to tour over the land. We want to deal with the proposition as it is, with the situation in the country growing worse and worse. After all there is what Sir Fazl-i-Husain himself described as the inter-action of political forces. Those political forces have been temporarily chained. Goodness knows when the hounds of Bellona are going to be let loose on this land. I hope a situation like that will never arise, but we cannot be sure. In politics it is the unexpected that always happens, as the late Lord Morley used to say. Face to face with an agricultural crisis, of which the Honourable Sir Fazl-i-Husain himself is quite well aware, and also with an unsettled state of political affairs, what have we got from the Government

in the shape of practical proposals ? I put to them one question : are they prepared to forego—men drawing more than Rs. 500—forty per cent. of their salary ? I do not want them to forego that for all time to come but only until the situation is tided over. Secondly, are they going to revise the present ratio and the present exchange ? That has been weighed in the balance and found wanting. The forecasts of prophets, like Sir Basil Blackett, an able man himself, have proved absolutely false. Our own prophecies have unfortunately proved true. We were then thought to be talking like Cassandras, prognosticating an ugly and clamorous future, but our prophecies have unfortunately proved true, and in the light of that experience, in the light of all that has happened, are the Government prepared to revise this ratio ? Are they prepared to get out of this maladjustment of ratio and exchange ?

My third and last question is this : are they prepared to see to it that the land revenue is, as Mr. Shah Nawaz truly said, considerably reduced until the situation is tided over ? Or are they prepared to receive their revenue in kind instead of in cash ? I do not want sympathy : I do not want soft words of which we have had an abundance today. Soft words were showered on this House by Sir Fazl-i-Husain, but soft words cannot liquefy hard facts.

Sirdar Harbans Singh Brar (East Punjab : Sikh) : Sir, Mr. Shah Nawaz has truly displayed what the Punjab and other agriculturists all over the country are feeling. He has asked that the land revenue should be charged in kind. I whole-heartedly support it, and I would go further and ask that the agriculturist should not be burdened more than the urban population and that the land revenue should be based on the same scale as the taxes on income. People in urban areas getting an income up to Rs. 2,000 a year are not taxed on their income—they do not have to pay even a pie. But the agriculturist who has got even a farm of 10 acres and whose income does not go to more than 50 rupees has to pay land revenue as well as water rates. We must have equality. If the Bombay mill-owners and capitalists want bounties for Tatas in order that they may get dividends, if they want income-tax not to be levied on their securities in foreign countries, they must now come forward and feel with the agriculturists and propose to the Government that the taxes on land should be on the same scale as the taxes on income.

Then, Sir Fazl-i-Hussain pointed out the example of Australia and England. I hope Government in their sincerity will follow the example of the New South Wales Government where from the Governor downwards they have voluntarily agreed to a 25 per cent. cut in their salaries, and of England, where His Majesty the King Emperor knowing the high cost of living and the establishment which he requires, has agreed to a cut of £50,000 a year. I hope the Government of India will follow that example. (Hear, hear.) I hope the Government will put this principle into practice even before the Retrenchment Committee reports, because the remedy is needed to be immediate, and it is no use postponing it for a year or two, and in meantime, to consider their report, print it, circulate it and wait for opinions and all that sort of thing. They must be practical men and face things in a practical way.

As regards the rate of interest that Mr. Shah Nawaz wants to be fixed, I do not think that is a practical proposition. The money-lender will

[Sirdar Harbans Singh Brar.]

merely get the amount written double in the beginning, whatever the interest may be. What the Government ought to do is to follow the German example and establish land mortgage banks which would advance money to agriculturists at a rate which is now charged on *takavi*, or a little more than the rate at which Government borrow themselves. It is only if Government adopt such propositions that the agricultural conditions can be improved.

As Mr. Ranga Iyer said, the question of the ratio and exchange is most important. It was emphasised from the non-official Benches most unequivocally that the conditions will be what they are now ; but the Government did not pay any heed to it and unfortunately some Members who are now with us voted with the Government then under some mistake or misapprehension. (Laughter.) I hope now they have revised their opinion and they will also be with us in pressing on the Government that it is time to change the ratio to what it was previously.

With these few remarks I appeal to the Government not merely to express lip sympathy with the agriculturists or say that the conditions here are the same as in the whole world, that it is the same with Australia, Canada or England, and that Members of this Assembly would like to die together rather than one by one and as other countries are also suffering, let us also suffer. That is no consolation. If other countries are not doing well, that is no concern of ours : that is no reason why we should not do anything. We must mend our ways and manage our own affairs in a more business-like manner and try to put the conditions right and help the agriculturists in the most distressing trouble which they have ever faced since the British rule in India, because during these 160 years the condition of the agricultural masses has gone from bad to worse, and now they are almost on the verge of insolvency. What I predicted on the 31st March last will soon come true, that unless the Government adopt these measures, revolution will come and we are in the midst of it. Let them now guard against it if they want to remain any more in India.

Rai Bahadur Lala Brij Kishore (Lucknow Division : Non-Muhammadan Rural) : Sir, the present agricultural distress prevailing all over the country is too well known to require any mention. India is chiefly an agricultural country where a very large percentage of the population lives by agriculture. And when such a large population of the country is in distress due to an unprecedented fall in the prices of agricultural produce, it is imperative for the Government and for this House to explore all avenues for improving the condition of the agricultural masses, and the improvement of the masses is impossible without rendering them financial assistance. No masses in the world are so steeped in such abject poverty as the masses of India. The agricultural indebtedness of the masses is a notorious fact, but the only remedy for such indebtedness is to raise the standard of living. At present, however, the trouble has arisen through various causes, not the least of which is agricultural depression.* How this agricultural depression or distress has arisen, how it is to be tided over and how long it will last, are matters which call for urgent enquiry. All that my Honourable friend, the Mover of the Resolution, wants is a committee of enquiry consisting of experts and Members of this House to probe this distress to the bottom so that both the Government and the agricultural classes will be in a position to

combat it. Perhaps the Government are not aware how hard this agricultural depression has hit the Zamindars. Agricultural produce is lying unsold so much so that one contemplates with anxiety as to what will happen at next harvest, when there will be increased reaping of wheat and decreased sale. What is it due to? Is it due to outside competition or to any other reason, the Government themselves are not in a position to furnish an answer, and having as they do the welfare at their heart of the consumer as well as the producer it is not too much to expect of the Government to accept this Resolution. With these words, Sir, I support the Resolution moved by my Honourable friend, Mr. Amar Nath Dutt.

Kunwar Raghurir Singh (Agra Division : Non-Muhammadan Rural) : Sir, I whole-heartedly support the very useful and necessary Resolution of my Honourable friend, Mr. Amar Nath Dutt.

India is predominantly an agricultural country and every Government of India must hold the welfare of the agriculturist at heart, and unless it does so, it is bound to fail in its primary mission. The distress is undoubtedly acute and it cannot be redressed by mere lip sympathy of the Government. Lord Irwin was very sympathetic, and being a landlord himself, showed keen interest in every matter concerning agriculture, but it is a pity that this distress arose in his time. The present Viceroy is also interested in agriculture as when he was Governor of Bombay and of Madras he showed his sympathy by attending agricultural exhibitions. There were so many such shows in his time as were never witnessed in any other Governor's time. In spite of such sympathetic Viceroys, the Government have been lukewarm in their attitude towards the agriculturist, as was apparent in the Delhi Session. Government in fact opposed the motion of my Honourable friend, Lala Hari Raj Swarup, about the dumping of wheat, and when the House carried that motion, the Government was forced to levy a tax on the import of wheat. So the price of wheat rose but very slightly. So unless the Government are forced to move, they do not do so themselves. Hence, my Honourable friend, Mr. Amar Nath Dutt, has earned the thanks of the teeming millions of my countrymen for bringing forward a matter of such importance. Government will be well advised in accepting the motion. There will be no necessity for remission of rent if the situation improves as a result of the deliberations of the committee proposed in the motion. There will be no necessity for the retrenchment axe, or the reduction of salaries of low paid clerks. So, the distress is very widespread, as the Annadata, the grain giver, is in trouble the layman eater is bound to die of hunger. The tenant, even if he pays his rent and his debt, cannot pay water rate and other dues; hence it is very necessary to appoint such a committee. In fact, the Government ought to have appointed such a committee themselves. It is, in my opinion, a silver lining in the cloud of agricultural distress that a lawyer has thought it proper to bring such a motion and an industrialist supports it. So, the House is unanimous in its support. Hence, I will again appeal to the Government to accept it and save their face from a crushing defeat. Taxation is very heavy in my province. 45 per cent. is revenue, 4 per cent. cess, income-tax, district board tax, on circumstances and property, etc.—all these are, you will admit, sufficient to ruin a land holder. All these things should be gone into by the proposed committee.

Mr. C. B. Elliott (Madras : European) : I am not an agricultural labourer, though, as a golfer, I have sometimes done my bit on the land. But I have listened to all the speeches with very real sympathy, because like most Englishmen land runs in my blood and in the blood of my ancestors. I have listened to some of the suggestions made, and I want to try and put one or two of them to the test of reality. First of all, let us take the idea of a moratorium. One speaker seemed to me rather to advise the Government to create a crematorium for creditors rather than a moratorium for debtors. (Laughter.) I take it that the ashes will be presented to the Sowcar's family. But what would be the result of a moratorium, especially if no suits were instituted for 2 years ? You would at once throw the whole of the legal profession on the dole, and the judges would be joining the ranks of the unemployed. One must be practical, and how are you going to stop suits being filed for two years ? And when you put those proposals to the practical every day test, then I think you will begin to see that the task of Government is not quite so easy as some people would think.

Then some people want to pay taxes in kind. Let me give you an example of that. A well known advocate the other day went down to Madura, and as usual the whole of the fee had not been paid in advance. The clients met him with a large supply of grains and told him, " Sir, will you take this instead ? " He said, " No. I want a fee, and not a feed ". (Laughter.) Let us apply the idea to ourselves. Instead of all these delightful sets of papers and cheques that have been distributed to us, if we had been told, " Three bullock carts or five rickshaws, or motor cars or motor lorries—but we have no lorries in Simla—are awaiting you downstairs with a large supply of millets in lieu of your allowances," what would you do ? (*An Honourable Member* : " That is only an alternative "). I wish to say that there must be practical results with regard to these propositions.

I want to say one word or two if I may about the agricultural labourer. After all he is rather an improvident fellow. What does he waste—I say it with some sacrifice as a lawyer—what does he waste very often on a lawyer ? How many of these crores we have been told have been taken from the *sowcar* for a mere faction fight and so on ? And I do think that those who have influence amongst the agricultural population might do a great deal to help the agricultural population by educating them in matters like that. Then, Sir, you come to this question of excessive interest. Every lawyer knows that in every country to limit the rate of interest by law has been regarded as a panacea. What does the agriculturist do ? He signs a note for Rs. 200 or Rs. 300, takes Rs. 100 or less and the *sowcar* gets the legal rate of interest three times over. The difficulty is to protect the agriculturist in this country from himself, and not from the Government. And I do think that while these Usury Acts are well worthy of consideration, the first thing is to try and educate the agriculturist to take advantage of them and not let them take advantage of him. Certainly one would have thought that they would have been educated by the hard test of experience of what they find in the courts.

Then, Sir, there is one other point. I know that many people have visions of a more contented thrifty and prosperous agriculturist when the rate of interest is reduced. May I tell the House a little story ?

A friend of mine who is a great co-operator and very keen on assisting the agriculturist said to a most esteemed Madras agriculturist not long ago, "What rate of interest do you pay?" "Sir", he said, "I pay 30 per cent." And my friend said, "Would it not be of great help to you if you paid only 15 per cent.?" "Oh yes" he replied "because then I could borrow double". (Laughter.) And in all these measures you must not forget the human factor. I have been listening to-day with very great interest—for I am a new Member and have come here to learn—I have been listening with great sympathy to the speech of my Honourable friend opposite because it is a subject on which you can wax eloquent and his speech came from his heart—there is no doubt about that. I am not a whit behind him in wishing to see the agricultural prosperity of India restored, but I asked myself, what about my own case? What about rubber which was fetching 4/6 pence a pound three or four years ago? We are now getting about 2 pence for it. It is no use sitting down and wringing your hands, but I must thank God that it is not a penny—ha'penny. That is the spirit in which to approach it, and I do think that the worst form of depression is the spiritual depression, the human depression which has so largely been underlying the speeches delivered to-day. A friend of mine, a Scoutmaster, not long ago sent out a card which I put up over my washing stand where I shall see it at least once a day. That card says, "Always plus, never minus". And I do think that when we stand here and cry out that the country is on the brink of a revolution, we are rather inviting it to revolt. If we cry out here, and say that all is wrong with agriculture, what is the good of that? The answer is this, that every one of us in the past has been unthrifty. What the world wants is a bit of more saving, a bit of more unselfishness and self-sacrifice. And what I think is the most bright and hopeful feature to-day is what I saw outside just now, that His Majesty the King has made a cut of £50,000 in the Civil List and the Prince of Wales has given £10,000 to the State. I am prepared to give ten rupees per centum if the hat goes round, or such proportion of my income as I can spare. That is the right spirit, and if we meet in that spirit and if we do not send out what I would call a minus cry to the country but a plus cry, I believe the spirit of the country will be elevated. But the more you encourage self-pity in the agriculturist, the more you are keeping him down and not raising him up. And I would like a much more encouraging message to go from this House to the agriculturists of India, and I believe that instead of appointing another committee, we should take other steps. I remember being once told a story of a number of people on board a ship which was sinking, and somebody said, "All hope is gone what shall we do?" and somebody else said, "Let us form ourselves into a committee"; and they went down, sitting, as a committee. Whereas if I have got to sink, I want to sink standing up.

Sir, I do not hold any brief to defend any Minister, but I do think that the idea that there was anything frivolous in the speech of the Honourable Minister was literally a mistake. I think it was valuable to hear what Government have done; and I think the best test of what people are going to do is to look back and see what they have done and what they are now doing. And although one knows that in the Punjab the conditions are bad, surely one word of thanks and of encouragement

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might have come from some of the speakers thanking that Government for what they have done and taking that as, if I may say so, an earnest of further remissions to come.

Sir, this proposed committee—I notice that experts come first and the Members of this House come next, but that is a small point—this Committee I suppose would not report for two or three years. Well, I am a man of law and yet I am going to indulge in a word of prophecy. I do believe that what is wanted to-day in the world is a return of confidence. Things cannot go very much lower and improvement is bound to come. I believe if you study all the curves of trade in the past you will find that the present depression cannot go lower. It is impossible, for example, for rubber to remain at about 2 pence a pound much longer. And if you get to that position and the people in the business world feel that the bottom has been reached, at once they start buying again and then you are going to see prices rising; and, if nothing else, what is first wanted is a plus feeling, as I call it, of confidence and not the minus of a spiritually depressed class. And I hope that in that way the suggestion made by the leader of our little Group with regard to silver may be considered. But I do feel, after all that has been said, that the general feeling in the House is simply a sort of gesture and not a practical proposition. The fact remains that the moment a committee is appointed, everybody says that nothing can be done until the committee has reported. This appointment of a committee is often like an old practice of old-fashioned pleaders in England when they used to enter in their defence a number of what were known as dilatory exceptions. I trust that Government in this case will not commit themselves to a plea which is really a plea of temporary exceptions, and say that they will appoint a committee and so they must wait, which they can very well say, until the committee has reported. Sir, I give my vote against, though I desire to say that every right-thinking man has a very deep and real feeling for the agricultural depression that exists in India. We do not shut our eyes to that fact and I know it. My pocket tells me that too. But if agricultural conditions in India to-day have dropped by 50 per cent., you may take it from me that in Ceylon which geologically once formed part of India, it has fallen by 200 per cent. And so I say, thank God for the fact that India is in a very much healthier and better position to-day than almost any other part of His Majesty's Dominions. (Applause.)

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Mr. President, I think it will be admitted that this debate has served a most useful purpose. We have been hearing from all parts of the country the cry not only of trade depression but of agricultural depression, and every Legislative Council has discussed this question. And if nothing else, we have to thank our friend, Mr. Amar Nath Dutt, for having given this House an opportunity of giving vent to its feelings collectively and individually. Mr. President, as the Honourable Member said, this is very much a provincial subject. But the larger aspects can only be dealt with in this House, and I do not know whether my Honourable friends on the Benches opposite propose to do so or not.

it might be, in the opinion of the Finance Member, beating a dead horse to talk about the ratio. But I would assure him that although he would like to forget it, it is not possible for both agriculturists and industrialists to forget that all-important question in times of the greatest depression the world has ever seen. Again, Sir, we have been given

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by the Honourable Member in charge a detailed account of what Provincial Governments have done, and really you can discuss these things most beneficially only in Provincial Councils, where circumstances vary so greatly from one part of India to another. Therefore to have a committee to effectively consider all the conditions that prevail throughout this country is a practical impossibility, but I do desire to point out one thing. Many of us have been sitting on Retrenchment Committees. We have been told by Mr. Ranga Iyer that salaries should be cut down by 50 per cent. I hope and trust that when the Reports of these committees come to be discussed in this Honourable House, Mr. Ranga Iyer will give his steady and valuable support not to imaginary cuts of 50 per cent., but to the solid and substantial cuts that the Committees may recommend. The time will come when the support of this House will really be required, and I trust it will be forthcoming. That time cannot be postponed very much longer. Therefore I would suggest that appointing a committee means further expenditure and if Mr. Amar Nath Dutt's committee is going to cost this country even one thousand rupees, I would vote against it. If Mr. Amar Nath Dutt can invent a committee that will not spend any money, I have no objection if Government agree to having such a committee.

Mr. Amar Nath Dutt : Honorary committee.

Sir Cowasji Jehangir : I am perfectly certain that we would not advance very far if we had an honorary committee. If it gives satisfaction to my Honourable friend, let him by all means have it, but provided it does not spend anything like the amount spent on commissions in the past or committees in the past. I prophesy most reluctantly that the result will also be nothing at all. Nevertheless, Mr. President, I do desire that Government, if they are not already, should be alive to the position that has been created in this country. Poor as this country is, trade and agricultural depression have hit it harder than they have hit other countries. A note of warning has been sounded not only here but on other platforms, from the north to the south, and from the east to the west, that we are running on to a rock where the ship will founder and break up, if we do not take steps to see that the agricultural classes are enabled to live through this great crisis. That is all that is asked for from this side of the House. How is that to be done—relief from taxation to a much greater extent for the next year and a half, or it may be for the next two years, appears most advisable, and in order to do that, if we have to increase our debt, we shall be ready to bear the burden. But it must be a well thought out and well considered scheme of relief. The relief must go into the right pockets, and it must not last any longer than the critical time demands, and I venture to suggest that if that relief is given and the ship is prevented from going to the rocks as it might otherwise do, you must have a well considered scheme. You will have revolution if present conditions continue. The money will be well spent even if it is borrowed money. If we are alive to the position that it is not starvation alone that we are facing but complete and

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absolute ruin, I feel sure that Government will not hesitate to take the very extreme measure of giving relief from borrowed money. It may not be sound finance but in times like this, principles have sometimes to be forgotten and neglected. Such sound finance can await the day when normal times return and then sound finance can come back into its own, but to talk of sound finance and to talk of imposing greater burdens in critical times like this are only telling us, and telling us in stronger language than even the extremists, that Government do not realise their responsibility and their duties. It is not only in their own interests, it is not only in the interests of this country, it is in the interests of the Empire that Government should prevail upon Provincial Governments to look after the agricultural position for the next year and a half or so.

The Honourable Sir George Schuster (Finance Member) : I had not myself expected, when I read this Resolution, that it would be necessary for me to take part in this debate. I thought that the case about a further inquiry into general conditions would be easily answered, and I did not anticipate that the debate would range over such a wide field, and over a field with which I am so closely connected, as it has done in the course of the last half a dozen speeches. I should like to say at the outset that I entirely associate myself with those Members who struck what I might call a serious note in this discussion. It is a very serious matter. On the other hand I should also like to associate myself with my Honourable and learned friend who spoke from the Benches of the European Group, and whom I should like to congratulate, if I might, on his first contribution to the debates of this House, which I certainly hope will not be his last. I should like to associate myself with him in the note which he struck, which was that, although we must take this position very seriously, it is right and it is going to benefit the country in the end, if we do not go about it in an atmosphere of complete and hopeless depression. I do believe, Sir, that difficult as the times are, the conditions in India to-day are, compared with other agricultural countries, not so desperate, and compared with the industrial countries where millions of people are actually suffering starvation. I think it may be said that there is not the same misery in India to-day as there is in those highly industrialised countries. One thing at least has been fortunate for India and that is that recently crops have been fairly good, and except in the most distressed parts, except I believe just now in certain parts of Bengal, there is a sufficiency of food. The situation to that extent is not so entirely desperate as some of the speeches might have led us to believe. But, having said that, I wish to return to my first sentence and say that I entirely associate myself with those who regard this as one of the most serious problems which India has ever had to face—the condition which has come upon the country to-day. I should like to say also that we on these Government Benches have been taking the position very seriously. We are not, as my Honourable friend, Mr. Das, would have the House believe, sitting idly in the cool air of Simla, an air which he himself did his best to heat. (Laughter.) We are not sitting up here idly, and neglecting any thought of what is going on in the great plain of India and amongst the agricultural masses. We have been in constant touch with the representatives of the Provincial Governments. We started last summer at the beginning of August, with a conference of the representatives of all the provinces to discuss the economic situation, and since then we have been constantly, officially and unofficially, in close touch with

them, constantly receiving reports, asking them whether there is any way in which we can help them, whether they have any proposals which require action by the Central Government—endeavouring to find some means which lie in our power to improve the situation. But, Sir, I venture to say to the opposite Benches that there is a certain tragedy awaiting all those who may come to fill posts of responsibility in any Government. It is so easy, when you sit outside and criticize or when you indulge in dreams of ambition for the future—and possibly it will fall to Members now in the Opposition to hold posts of responsibility—it is so easy to think of all the great things that could be done. I venture to say that any one who comes to sit in one of these seats and to tackle the actual problems will have to realize the limitations which beset all human endeavour, and will find himself sadly disappointed when he tries to make good those brave words and bright hopes which he may have expressed in his days of opposition. Sir, we have to think not only of the possible advantages of any measure which it is so easy to bring forward and to parade in argument : we have to think of *all* the consequences ; not merely to the few who will benefit but of all the reactions all-round, of any measure that may be proposed. And I venture to say that, when one comes to examine the sort of practical measures that have been proposed to-day, and when one feels responsible for all the consequences, I venture to say that the task is not quite so easy as it looks. We have had several practical measures proposed ; I will take them in the order in which I have noted them down. The Honourable the Leader of the European Group asked whether anything could be done to improve the situation by rehabilitating the value of silver. I wish, Sir, that I had longer time in which to deal with the matter because it is a highly complicated and technical subject. But I am sure my Honourable friend will not take it amiss if I say to him that I think there is a good deal of nonsense being talked about silver to-day. I read in many papers articles on the subject, emanating very largely from the United States, from people who have interests as producers of or dealers in silver, who try to make the world believe that one of the main causes of the present depression is the fall in the value of silver. They write often in great ignorance. They almost always speak of India, for example, as a country which is still on a silver currency ; and they say, in explaining the causes of the present depression, “ Look at India and China, two countries whose purchasing power is entirely dependent on silver, that is to say half of the population of the world, whose purchasing power has been entirely destroyed by the fact that silver has fallen to this unprecedentedly low level ”. Now of course everyone here knows that India is not on a silver basis, as far as her currency is concerned. But China is, and let us take the case of China. People say that the purchasing power of China has been destroyed because of the drop in the value of silver. But the purchasing power of a country, that is to say, its purchasing power for the purpose which has been mentioned in all these articles, its purchasing power in the region of international trade, does not depend on the intrinsic value of its currency : it depends on the goods which that country can export. No country can really pay for imports except with exports, and that fact is very clearly brought out if one examines the condition of China’s trade. And here I may refer to an address given by Sir Arthur Salter in New York of which he sent me a copy, and I would remind the House that after he left India Sir Arthur Salter went to China to advise the Chinese Government on their economic situation, and that he came back through New York where he was at once got hold of, and asked to speak on the silver question. In

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this address, he pointed out that in the case of China, although the amount that she has purchased of international trading goods in the last year has fallen, still the percentage drop in her purchases has been less than the average percentage drop in the case of countries that are on a gold basis. Now I think that fact brings out absolutely convincingly that you cannot ascribe the word depression to-day to any fall in the purchasing power of China caused by a drop in silver values. Undoubtedly, disturbances in China have affected the position, and there are other factors of that kind which are operating in the world to-day, but I do assure my Honourable friend that we could not suddenly restore prosperity to the world by improving the price of silver.

As regards India, conditions are of course much better known to all Honourable Members. They know of course that silver is held in very large quantities by the masses of the population of India. But, for the greater part, that silver is not bought in order to be sold again : it is bought mainly to comply with traditional customs—to provide people with ornaments, and it is only in times of distress that they have to realize their silver. It is quite true that if in times of distress they have to realize their silver, their position would be better if silver was highly priced. But it certainly could not be said that the position in India could be permanently improved by raising the price of silver. What India wants is better values for her cotton and her jute and her rice and her ground-nuts and her wheat : that is what is really going to improve the position in India, rather than an improvement in the price of silver.

But let me follow the situation up still further. I have always made it clear in speeches on this subject in this House that we are very willing to co-operate in any form of international action to improve the price of silver. But even if we try to do what we can, what is it that we can do ? We have thrown out sympathetic suggestions, we have been ready to receive proposals, but no proposals which we could possibly accept have ever been put forward ; and, without going into details in the matter or revealing secrets, I would tell my Honourable friend that, as far as I can see at present, there is no chance of getting any sort of agreement with the American interests which would offer any hope of a permanent improvement in the price of silver, or which we could enter into except upon terms which no one who was responsible for the interests of India could possibly accept. That, Sir, is all that I would say on silver.

Now, I come to that much more controversial question which has been raised by several speakers, of the ratio. I only want to make certain points clear about that. In the first place, a good deal of credit has been taken for those who are said to have prophesied what the results of fixing the ratio at 1s. 6d. would be. Talk of this kind presumably implies that if the ratio had been fixed at 1s. 4d. conditions in India to-day would have been quite different. It is further apparently implied that these " prophets " foresaw the unprecedented and totally unparalleled economic disaster which has come upon the world in the last two years. I venture to say that if they foresaw that, their speeches during the controversy on the question of the ratio did not reveal the knowledge. I also assert that if the ratio had been fixed at 1s. 4d. in 1927, the percentage fall in prices that would have come upon India would have been exactly the same as it has been in the last 18 months. Of course, if the ratio was *now* changed from

1s. 6d. to 1s. 4d. there would come to this country slowly and by degrees an improvement of $12\frac{1}{2}$ per cent. in the rupee prices of those commodities whose prices in India immediately reflect the international level. That is quite true. But that, Sir, is not going to solve the present trouble. What we are up against is a drop of 40 per cent. and more in prices. We have wheat selling at less than one-third of the normal pre-war price. If you are going to improve that merely by $12\frac{1}{2}$ per cent., you are not going to solve the troubles of India as they exist to-day. And, on the other side, what is going to be the result? The theory underlying all the arguments which are brought forward to-day on this question is that when a country has once adopted a stable currency—and by a stable currency I mean a currency which maintains stability as an article of exchange with other currencies—it is legitimate for that country to alter the value of the unit of its currency in order to meet a fall in world prices. If that is once accepted, then I maintain that the whole idea of a stable currency goes. India would, in fact, have said: “We are going to have a currency based for the time being on a certain quantity of gold to the rupee; but, if gold goes up in value and commodities fall in terms of gold, then, in order to maintain stability of internal prices, we are going to say tomorrow that our rupee is to be worth so much less in gold than we said yesterday it was to be worth”. Once you adopt that principle you have got away from stability, and you have put into the hands of the currency authorities the power to manipulate the value of your exchange. Now, Sir, *theoretically* there may be a good deal to be said for that. If we could bring into India a group of supermen who had the prophetic knowledge of the future and whose integrity was entirely above suspicion and whose ability was far greater than the ability of any group of men that could be found in any country to-day, then I say you might perhaps safely go on to such a basis of currency. But I am afraid that ideal condition is not likely to be realised in India within any time which anyone of us can foresee, and that applies not merely to India but to any other country of the world. I wish again that I had more time to enlarge upon this subject, but perhaps I might refer Honourable Members to a speech that I made at the annual meeting of the Federation of the Indian Chambers in Delhi last April when I quoted from the evidence which had been put up before the last Currency Commission, and when I proved to them convincingly that the opinion of all the Indian Chambers in the days of that Currency Commission, whatever they thought about the level at which the rupee ought to be stabilised, was absolutely united that the one thing which they did not want was an unstable currency which might be manipulated up and down by a human currency authority. That, Sir, is an opinion to which India had come as a result of the experience of being for 150 years on a silver basis, and of having a currency which fluctuated according to the value of silver. A silver currency is a fluctuating currency, but it has at least one advantage. It fluctuates automatically and it does not give the power to manipulate the value of your unit of currency into the hands of a small body of men. But India said: “We do not want a fluctuating currency: we want to be on a stable basis, and not to have the international value of our currency varying from day to day”. I do not know whether Indian opinion has changed from that view now. I am greatly puzzled, when I read some of the utterances of the leaders of thought on this subject, to understand whether they really want to stabilise at a slightly lower level, or whether they want to abandon stability altogether. I do not believe the question has been faced by them, and I do not think any people, except

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perhaps one or two, have made up their minds on that vexed question. But I do say to my friends opposite : " What exactly do you really want, in order to improve the condition of India in that way ? " They ought to know on their side what they want. Do they want merely to go down to 1s. 4d., and get that small percentage benefit for a few people to which I have referred, or do they want to abandon the whole system of stabilised currency and go back to a system which they themselves condemned as the result of all the experience of the last century ?

Now, Sir, before I leave this subject, I would also call the attention of those who speak on these matters to the lessons that can be learnt from the world around us to-day. I have said that India is not in such a serious position as some other countries. That is very true. And if you look at all the agricultural countries of the world to-day, I do not think that you will find one which has really so little trouble as India has, except possibly, on external evidence, Canada. Look at the Argentine, or any other South American country. They have been forced off their gold basis. Have they benefited. Far from it. Look at Australia : they have been forced, by weakness, off their gold basis. Now, let us just examine the position of Australia. The Australian pound stands at a discount of 30 per cent. to-day. That means that it is about equivalent to the rupee standing about at 1s. 0½d. According to the arguments which we hear from those who condemn the Government for their currency policy, Australia ought to be now enjoying a sort of millennium. They have had the so-called advantage of an exchange which has dropped by thirty per cent., a change which has therefore raised the internal price level of all their goods. But are their troubles any the less ? As far as I can see, judging from the reports, their troubles are far greater than they were before, and the greatest of all their troubles is that, with the conditions that have come upon them, their power of borrowing abroad has disappeared altogether. It is not a question of the terms on which they can borrow : it is a fact that they cannot borrow on any terms.

Now, Sir, I think all these questions are worth discussing. I certainly have never been able to turn a deaf ear to opinions which are so widely expressed and held in India. Therefore ever since I have been here, it has not been the line which I have taken to say " This is a ' dead horse ', I am not going to say a word about this subject ". I have always tried to argue and reason it out with people on the other side. But I come back to what I said at the beginning that when Honourable Members opposite, who merely have the pleasant task of criticism, come before us and put proposals before us, let them try and imagine what action they themselves would take if they sat in our places and had to face all the consequences. They, as I said, can point to one or two advantages, but we have to consider all the consequences, bad and good and let that thought be in the minds of all who try and make the Government change their policy on this question of currency.

Sir, I am afraid that I have kept the House beyond my proper time. I will not refer to the third suggestion which has been made as a remedy, namely relaxation of land revenue. That course is in fact been boldly taken and it has already been dealt with by my Honourable colleague, Sir Fazl-i-Husain. At the very last moment one suggestion was made by the last speaker, my Honourable friend, Sir Cowasji Jehangir, and I am sure

he will excuse me if I say that I was deeply shocked by the tone of his speech. I trust that it will not be widely reported. If the message goes abroad that a leading Member of this Assembly, the actual leader of one of the largest opposition parties in the Assembly, a delegate to the Round Table Conference, a man, I think I may say, of outstanding reputation in India, has said that when times are bad, we cannot afford to observe principles of sound finance, then, Sir, I think it will be a very bad day for India. What we want above all at present is to preserve our credit.....

Sir Cowasji Jehangir : And let the ship go to the rocks.

The Honourable Sir George Schuster : And these are times when we have to stick to principles of sound finance. We have to set our teeth, we have to make sacrifices, I entirely agree with that, but let us hold fast and stick to our principles of sound finance. We can never afford to abandon those. (Applause.)

Mr. Amar Nath Dutt : At this late hour of the day, I am not going to take up much of the time of the House in attempting to reply *seriatim* to the points raised by the Honourable Member in charge of the Department of Education, Health and Lands. It will be my duty to reply to the objections that have been raised to this Resolution as briefly as I can. He has asked us what this Committee is going to do. He said it will merely catalogue the grievances of all the provinces, and in the picture that he wanted to give us of the various provinces, he has drawn a very gloomy picture of his own province. But he characterises Bengal as fortunate and lucky, as if it is a paradise. I would ask him to come with me to this province. I will not take him to those devastated tracts and areas where flood has been creating havoc. I shall take him to that tract of country which is described as "*Sujalam Shupalam Shasya Shyamalam*". Let him come with me. I shall bear all the costs. I find most of the Members here think that this Committee of enquiry may cost the Government some money and that it is not possible to spend any money at the present moment. I do not think that people who enquire into the causes of agricultural distress need be paid any high salaries, such as Rs. 64,000 and Rs. 80,000 a year. I think they would not even charge for their own food and travelling expenses. But they must adopt the same standard which the poor people adopt, namely, they must travel in carts and pay a few annas for going from place to place. They must have only rice and a few vegetables for their diet, not the sumptuous dinners which they enjoy at the Viceregal Lodge, or for the matter of that at the place of one of the Honourable Members, or the Cecil Hotel. I simply want an enquiry to be made, and as my Honourable friend over there suggested—one of the richest Members of this House—they cannot even spare Rs. 1,000. I say let the Government not spare even Rs. 100. Simply just enquire into the causes and if you think the Committee will cost you say even Rs. 5, do not have a Committee. You had better yourself enquire and go through, not with the same attitude as some of my Honourable friends over there reveal before this House. I was really pained how people who are being fed at the expense of the poor agriculturist, how people who have no right to be in this country of ours, how they can talk so flippantly and in the way they do about the agricultural distress of the country. Are you going to continue that attitude still towards the poor people of this land? Don't you see the signs of the times? Don't you read the writing on the wall? (Laughter.) My friend over there

[Mr. Amar Nath Dutt.]

who laughs will have to pay the penalty one day for his light heartedness. In fact, I was surprised to hear one Member saying that the cause of the difficulty of the agriculturist was he himself. I fail to understand what he means by that. Probably he thinks that he is not thrifty, he is uneducated, he is accustomed to half a meal a day, he is accustomed to have simple rags and for all these things the poor agriculturist himself is to be blamed. It was said by him that this Committee might take two or three years to enquire. All these simply amount to arguing in a vicious circle. You assume something, and then with that assumption you want to demolish the arguments on the other side. Well, you have no reason to assume such a thing, as that, that this enquiry will take two or three years for being completed. This inquiry should not take an ordinary intelligent man more than a month and a half if he cares to travel through all places of the country.

Mr. K. Ahmed : How will it be possible within a month and a half ?

Mr. Amar Nath Dutt : It may not be possible for bulky individuals like the interruptor but quite possible for an ordinary human being. (Laughter.) The argument that has been advanced by the Member that the agriculturist is his own enemy or that this committee of inquiry will not do any good is not at all a sound argument with which to oppose this motion of mine

I wish now to take up one by one the arguments adduced by my Honourable friend, Sir Fazl-i-Husain. He says that no Local Government can put things right. I was just reading the Report of the Agricultural Commission about which so much fuss has been made. You will remember that this great Commission was a Royal Commission and I am not going to say much about it because it might be thought that to say anything against a Royal Commission is almost tantamount to a sacrilege. That Commission had as members Maharajas and G. C. I. E.'s or professors who live in cloistered seclusion. What do they know of the condition of life of the agriculturists and of the ills they suffer from ? Whenever you have a commission, you always get men from palaces to inquire into the condition of life in rural huts. There are members of committees of enquiry who cannot believe that a man can live at less than Rs. 50 a month. I tried to impress upon them that if they would go and see the agriculturists in villages they would find that the poor man lives on Rs. 3 to Rs. 4 a month—sometimes they maintain whole families for that sum. That is the state of things. So I say it is impossible for men born with silver spoons in their mouths to appreciate this state of things. What is the real condition of this country, such men can never know. This Agricultural Commission, in spite of its having Maharajas and learned professors as members could not relieve the miseries of the agriculturists. One of their recommendations was about a Marketing Board. Have you taken that up ? Have you made any attempt anywhere in any of the provinces to have a Marketing Board ? That is the ill from which the agriculturists suffer. I do not know about the conditions in other provinces : it may be that remission of rent is necessary there ; but as far as Bengal is concerned, where there is a permanent settlement, the rent is an infinitesimally small portion of their liabilities. What they complain of is the low prices to which the agricultural produce has come down. Paddy used to be sold—there is my friend presiding over the destinies of a

district and he knows all about it—at Rs. 4 or Rs. 4½ per maund. I received a letter yesterday saying that the price had come down to Rs. 1-4-0 a maund. Take for example a poor agriculturist who has only 20 bighas of land. In order to grow paddy on that land, the cost amounts to no less than Rs. 20 per bigha or Rs. 400 in all. It produces 120 maunds of paddy and a certain quantity of straw which fetches something like Rs. 40, while the 120 maunds of paddy will bring him Rs. 150, or a total of Rs. 190 in all. That is the state of things in Bengal. I do not know the conditions elsewhere; so the question of remission of rent which was brought out and mixed with this question does not arise in Bengal: it may be the case in the United Provinces and other provinces where there is no permanent settlement. Therefore I want a thorough and sifting inquiry by people who know the real needs of the people and who can sympathetically realise and understand how to give them relief. If you do not want to appoint a regular committee of inquiry, if you only give me an undertaking that you will inquire into the causes—not in the way in which you wanted to satisfy us just now by your speech, giving us annual figures of Assam, Punjab and so forth—but a real inquiry which will benefit the agricultural people of the country who form according to your own statistics 73.9 per cent. of the population, I will not press for a division. But if you are not even willing to have an inquiry of that type, certainly I shall press my Resolution to a division. With these words, I commend the Resolution to the House.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I have not quite grasped what the Honourable the Mover of the Resolution desires me to agree to. If he wants me to agree to this, that the debate as it has taken place to-day should be duly despatched to each Provincial Government with the request that they should take such action as they consider is necessary in the case of each province, then I will be very glad to do so. As a matter of fact, Honourable Members know that Provincial Governments are already instituting such inquiries on their own. They are actually doing it. If he wants any action to be taken at the headquarters, so far as the provinces are concerned, it is obvious that for any Honourable Member of this House to say that half a dozen of us should go about to Burma or Madras and so on is impossible. But if he wants any action to be taken at the centre it can only be with reference to the controversial question of finance. The House has heard what has been stated about that matter. Can we now make any advance on the present position. So far as I can see, we cannot. Therefore what I have already submitted with regard to the provinces I am ready to do.

Mr. Amar Nath Dutt : What I wanted was that the Central Government should make an inquiry. I find from the Madras Government that they say it is not practicable for the Local Government to deal as a whole with any of the causes of the depression. That is their report, and in view of this I thought that the Provincial Governments could not do justice to the question and therefore it was necessary for the Central Government to step in and do the needful.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I have now grasped the Honourable Member's meaning. What he wants is that the causes of the depression should be inquired into—depression with reference to agricultural produce, I presume. So far as that subject is concerned, I have no doubt that the House will be glad to know that as regards one

[Sir Fazl-i-Husain.]

item of agricultural produce, I mean cotton, we have already taken part in the all-world conference which was held in London a short time ago. I understand that another one is going to be held in Egypt during the next three months or so, and although we are most anxious to economise and not send men from here, if we can manage it economically we have already provisionally arrived at the conclusion that we should take part in the Egyptian conference when it takes place. Similarly, if there is any other international conference going into the matter of prices, I shall be very glad indeed to see that India is represented on that conference.....

(At this stage Mr. B. Das rose in his place to put a question.)

Mr. President : I cannot at this stage allow the Honourable Member (Mr. B. Das) to put questions. I have allowed Mr. Dutt, as the Mover of the Resolution, to ask one or two questions so that he may consider whether he should withdraw, but I cannot allow any other Honourable Member to rise and put questions.

Mr. C. S. Ranga Iyer : May I ask one question.....

Mr. President : As I have said, I will not allow any more questions to be put. The Honourable the Mover has no right now to say anything when the Government Member is replying, but I am making an exception in his favour in order to smooth the matter and see whether an agreement can be reached. I cannot extend that concession to any other Honourable Member.

Mr. Amar Nath Dutt : Enquiry by the Central Government into the economic distress,—that is what I am concerned with.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : That is exactly what we have done twice, that is to say, written to Local Governments asking them to keep us fully informed of the economic distress in each province, and actually the extracts I gave to the House this morning were from those very reports of economic distress throughout India.

Mr. Amar Nath Dutt : I want the Central Government to take the initiative.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I do not propose to give any lengthy reply. The matter is to my mind extremely simple. The Honourable Member wants a moving committee consisting of Members of the Assembly and some experts. (*Some Honourable Members :* "No, no.") All right. He does not want a roving committee. He wants a committee which will sit at headquarters in Simla, or if necessary, in Delhi and make an enquiry. Well, Sir, I am afraid I cannot understand what that committee is going to do as to the agricultural conditions of the villages of Bengal which the Honourable the Mover is so anxious about. They cannot do it in Simla or Delhi ; they must go to the villages of Bengal, and if to the villages of Bengal, why not then to the villages of Lyallpur.....

Sir Cowasji Jehangir : Is not the Government of India holding an enquiry into those reports ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : We have made enquiries twice already, and we have requested the Local Governments to keep us informed from time to time.

Sir Cowasji Jehangir : And you will enquire in the future again ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Of course, I will.

Mr. President : Will the Honourable the Mover make up his mind ?

Mr. Amar Nath Dutt : I have made up my mind if he really promises what is needed, *viz.*, "The Assembly recommends to the Governor General in Council to enquire into the causes". I mean you....

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I cannot go and quarrel with the Local Governments and say, I must do it.

Mr. President : Let him finish reading the Resolution.

Mr. Amar Nath Dutt : "This Assembly recommends to the Governor General in Council to inquire into the causes of the present agricultural distress and to devise means for improving the condition of the agricultural population". If the Honourable Member in charge accepts this, then there is nothing else to be done.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I must not mislead the Assembly in any way. If "inquire" means inquire from Local Governments, I will do it. If it means that I am going to institute an independent inquiry of my own, then I am afraid I cannot do it. If you mean the former, I am at your service. If you mean the latter, I cannot do it.

Mr. President : I do not think there is any room now for misunderstanding. The Honourable Member in charge gives an assurance that he will make enquiries from the Provincial Governments as regards the points mentioned in the Resolution. The Honourable Member has also made it clear that he will not constitute any definite separate enquiry. The Honourable the Mover has now to make up his mind whether he will accept the assurance or whether he will not. I cannot allow the discussion to go on indefinitely across the table.

Mr. Amar Nath Dutt : Then I press my Resolution.

Mr. President : The question is :

"That this Assembly recommends to the Governor General in Council to form a committee of inquiry consisting of experts and Members of the Assembly to inquire into the causes of the present agricultural distress and to devise means for improving the condition of the agricultural population."

The Assembly divided.

AYES—23.

Aggarwal, Mr. Jagan Nath.
Azhar Ali, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Bagla, Lala Rameshwar Prasad.
Bhuput Singh, Mr.
Brij Kishore, Rai Bahadur Lala.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Ismail Ali Khan, Kunwar Haji.
Mitra, Mr. S. C.

Murtuza Saheb Bahadur, Maulvi Sayyid.
Pandit, Rao Bahadur S. R.
Puri, Mr. B. R.
Raghubir Singh, Kunwar.
Rajan Bakhsb Shah, Khan Bahadur
Makhdum Syed.
Ranga Iyer, Mr. C. S.
Sant Singh, Sardar.
Shah Nawaz, Mian Muhammad.
Sohan Singh, Sirdar.
Yamin Khan, Mr. Muhammad.
Zulfiqar Ali Khan, Sir.

NOES—51.

Abdul Qaiyum, Nawab Sir Sahibzada.

Ahmed, Mr. K.

Allah Laksh Khan Tiwana, Khan Bahadur Malik.

Anklesaria, Mr. N. N.

Azizuddin Ahmad Bilgrami, Qazi.

Bajpai, Mr. R. S.

Banerji, Mr. Rajnarayan.

Chinoy, Mr. Rahimtoola M.

Crerar, The Honourable Sir James.

Dalal, Dr. R. D.

De Souza, Dr. F. X.

Dyer, Mr. J. F.

Elliott, Mr. C. B.

Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.

Fox, Mr. H. B.

French, Mr. J. C.

Ghuznavi, Mr. A. H.

Graham, Sir Lanecloth.

Griffiths, Mr. G. I.

Heathcote, Mr. L. V.

Hezlett, Mr. J.

Howell, Mr. E. B.

Ishwarsingji, Nawab Naharsingji.

Jadhav, Mr. B. V.

Jawahar Singh, Sardar Bahadur Sardar.

Knight, Mr. H. F.

Lall, Mr. S.

Leach, Mr. F. B.

Misra, Mr. B. N.

Moore, Mr. Arthur.

Morgan, Mr. G.

Mukherjee, Rai Bahadur S. C.

Parsons, Mr. A. A. L.

Rafiquddin Ahmad, Khan Bahadur Maulvi.

Rainy, The Honourable Sir George.

Rajah, Rao Bahadur M. C.

Rama Rao, Rai Bahadur U.

Row, Mr. K. Sanjiva.

Roy, Mr. S. N.

Sahi, Mr. Ram Prasad Narayan.

Sams, Sir Hubert.

Schuster, The Honourable Sir George.

Sher Muhammad Khan Gakhar, Captain.

Shillidy, Mr. J. A.

Studd, Mr. E.

Suhrawardy, Sir Abdullah.

Sykes, Mr. E. F.

Tait, Mr. John.

Todd, Mr. A. H. A.

Yakub, Sir Muhammad.

Young, Mr. G. M.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Friday, the 11th September, 1931.

LEGISLATIVE ASSEMBLY.

Friday, 11th September, 1931.

The Assembly met in the Assembly Chamber at Eleven of the Clock,
Mr. President in the Chair.

MEMBER SWORN.

Hony. Captain Rao Bahadur Chaudhuri Lal Chand, M.L.A. (Nominated Non-Official).

QUESTIONS AND ANSWERS.

TRANSFER FROM THE MILITARY DEPARTMENT TO THE POSTS AND TELE- GRAPHS DEPARTMENT OF CERTAIN POST OFFICES.

168. ***Mr. S. C. Mitra :** (a) Is it a fact that the management of certain telegraph and telephone offices which were being maintained by the Military Department was taken over by the Indian Posts and Telegraphs Department from 1st April, 1927, as has been mentioned in the Annual Report of the Department for the year 1927-28 ?

(b) Is it a fact that the Indian Posts and Telegraphs Department had to pay a sum of Rs. 3,74,000 on account of capital value of the telephone system of the North-West Frontier Province in the same year ?

(c) Is it a fact that the Department was safeguarded against loss on working those telephone lines ?

(d) Will Government please submit a statement showing the income year by year from the year 1927-28 up to year 1930-31 of the telegraph and telephone systems separately with the actual expenditure to maintain those offices ?

(e) What amount was paid by the Military Department in each year to make good the losses ?

(f) If the reply to part (e) be in the negative, do Government propose to credit the amount to make up the deficit ?

Sir Hubert Sams : (a) Yes.

(b) Yes.

(c) Yes, by guarantees both on account of the telephone and telegraph lines and systems.

(d) and (e). Statements are being sent separately to the Honourable Member. The Accountant-General, Posts and Telegraphs, reports that it is not possible to separate the actual expenditure incurred separately on these systems. The guarantee figures, therefore, which have been calculated on the basis of estimated expenses, have been given.

(f) Does not arise.

POSTS AND TELEGRAPH OFFICES MAINTAINED FOR POLITICAL PURPOSES.

169. ***Mr. S. C. Mitra :** (a) Will Government please state the number of combined post and telegraph offices in India and Burma which are maintained for political purposes ?

(b) Will Government please submit a statement showing the income and expenditure of those offices in the year 1930-31 ?

(c) What amount has been paid by the Foreign and Political Department to compensate the loss in maintaining those offices ? If not, do Government propose to credit the amount now ?

Sir Hubert Sams : It is regretted that the information is not available and could not easily be collected. The general rule is to obtain contributions from the interested parties to cover losses involved in the maintenance of unremunerative offices.

EMPLOYMENT BY THE RAILWAYS OF STAFF TO RECEIVE AND DELIVER LETTERS TO RAILWAY OFFICIALS.

170. ***Mr. S. C. Mitra :** (a) Is it a fact that according to Post Office Act No. 4 no one is allowed to maintain any system of receiving or delivering letters ?

(b) Is it a fact that the Railways of India and Burma maintain such a system of their own, *i.e.*, they employ certain number of staff to receive and deliver letters addressed to railway officers or railway officials ?

(c) Will Government please state why the Railways are allowed this concession, when this concession is not granted to any other agency, and thus the Postal Department is deprived of a decent income ?

(d) Is it a fact that this concession was granted to the Railways on their consenting to issue free card passes to certain supervising officers of the Posts and Telegraphs Department who are required to travel for inspection and other supervising duties ?

(e) Is it a fact that the system of issuing free passes has since been discontinued by the Railways ?

(f) Will Government please also state what amount was expended in the year 1930-31 for the travelling expenses of the officers who used to get free passes from Railways ?

Mr. J. A. Shillidy : (a) No.

(b) Yes.

(c) The question is under investigation.

(d) No.

(e) No.

(f) It is regretted that the information is not available and could not easily be collected.

MILEAGE RUN BY MESSRS. GARAGE, CALCUTTA, LIMITED, IN THE CONVEYANCE OF MAILS IN CALCUTTA.

171. ***Mr. S. C. Mitra :** (a) What is the minimum mileage to be run by Messrs. Garage (Calcutta), Limited, according to their agreement to convey mails in Calcutta ?

(b) How were mails actually run in each month in the year 1930-31 ?

(c) Is it a fact that there were some schedules of regular motor despatches at the time of contract ?

(d) Is it a fact that since then many despatches have been changed owing to the altered situation and mileages decreased but this fact is not taken into consideration at the time of counting mileages ?

(e) Is it a fact that mileages run for extra despatches are taken extra without taking into consideration whether the minimum mileages were run in a month or not ?

(f) Is it a fact that in the course of a certain enquiry it was found out that although monthly regular mileage was far below the contract mileage still full mileage was paid in addition to the mileages which were run extra for extra conveyance of mails without totalling the actual mileages run for regular and extra despatches together ?

(g) Do Government propose to institute a thorough inquiry into this affair and will they please intimate the result to the Assembly ?

(h) Who is responsible for this waste of public money ?

Sir Hubert Sams : (a) The contract does not provide for any minimum mileage. Extra remuneration is payable to the contractor when the mileage done in a month exceeds 28,750 miles.

(b) It is presumed that the Honourable Member wishes to know the actual mileage run in each month during 1930-31. A statement on that basis is placed on the table.

(c) Yes.

(d) Changes occurred which made for increased mileage, but actually mileage was reduced by a revision of arrangements. The latter part of the question does not therefore arise.

(e) No.

(f) The facts are not as stated.

(g) and (h). Do not arise.

Statement of total mileage run by the vans of the Calcutta Motor Mail Service contractor during the year 1930-31 referred to in part (b) of the reply to Mr. S. C. Mitra's starred question No. 171, dated the 7th September, 1931.

	Miles.
April, 1930	28,406.5
May, 1930	29,308.2
June, 1930	27,866.1
July, 1930	29,460.0
August, 1930	28,453.8
September, 1930	27,580.3
October, 1930	27,735.5
November 1930	28,041.6
December, 1930	30,891.0
January, 1931	28,134.2
February, 1931	25,617.8
March, 1931	27,933.8

**PAY OF POSTMASTERS-GENERAL AND DEPUTY DIRECTORS-GENERAL OF
THE POST OFFICE.**

172. *Mr. S. C. Mitra : (a) Is it a fact that from the 1st March 1930 the pay of the Postmasters-General has been revised by which the pay of the Postmasters-General of Bengal and Assam and Bombay and of the Senior Deputy Director-General has been specially raised ?

(b) Is it a fact that when Mr. J. R. T. Booth, Deputy Director-General, went on leave, the Postmaster-General, Bengal and Assam was appointed to act in his place, then the Postmaster-General, Central Circle, was transferred from Nagpur to Calcutta to hold over charge there and the Electrical Engineer-in-Chief was transferred from Calcutta to Nagpur to officiate as Postmaster-General, Central Circle ?

(c) Are not all these changes due to the fact that the Senior Deputy Director-General and Postmaster-General, Bengal and Assam Circle happen to draw special pays ?

(d) What amount has been expended for their travelling allowances ?

(e) Are Government prepared to fix one scale for all the Postmasters-General and Deputy Directors-General, so that in case of leave or retirement of any officer so much travelling may be avoided ?

Mr. J. A. Shillidy : (a) The fact is not as stated by the Honourable Member. The pay of all Postmasters-General was raised and a special pay sanctioned for the Postmasters-General in charge of the two most important Circles, viz., Bengal and Assam and Bombay, while the pay of the Senior Deputy Director-General was fixed at a special rate.

(b) Yes.

(c) Yes.

(d) Rs. 2,753.

(e) The scales of pay of the officers named were fixed in 1930, with reference to the nature of the duties and responsibilities of the respective posts and Government as at present advised see no reason to make a change.

**PAY OF POSTMASTERS-GENERAL AND THE SENIOR DEPUTY DIRECTOR
GENERAL OF THE POST OFFICE.**

173. *Mr. S. C. Mitra : (a) Is it a fact that provision was made in the Budget for 1930-31 under demand No. 23 increasing the scales of pay of the Postmasters-General and the Senior Deputy Director-General ?

(b) Is it a fact that in the despatch, in which the sanction of the Secretary of State for India to this revision was asked for, it was suggested that the requisite funds for it would be available out of the savings effected by certain proposed retrenchments in the ministerial staff in the offices of the Director-General of Posts and Telegraphs and the Postmaster-General, Bengal and Assam ?

(c) Is it a fact that considerable retrenchment has since been made in the staff of both the offices mentioned above ? If so, will Government please give details of the retrenchment so far made and contemplated ?

(d) What were the considerations that led Government to incur heavy additional expenditure for revising the pay of the Postmasters-General and the Senior Deputy Director-General simultaneously with the retrenchment of ministerial establishment at a time of heavy deficit in the Department ?

Mr. J. A. Shillidy : (a) Yes.

(b) The case is not as stated. Mention was made of certain past and prospective savings. No mention was made of any in the Postmaster-General's office.

(c) Ministerial staff found surplus was reduced to the extent of 25 posts in the Director-General's office and 9 in the Postmaster-General's office, while 23 further surplus posts in the former office await abolition.

(d) The considerations for revising the pay of officers were their increased duties and responsibilities. For the rest, the Honourable Member's attention is invited to the replies to part (b) above and to part (b) of Mr. Amar Nath Dutt's starred question No. 311 in the Legislative Assembly on the 18th July, 1930.

DUTIES OF THE FINANCIAL ADVISER, POSTS AND TELEGRAPHS.

174. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state what the duties of the Financial Adviser, Posts and Telegraphs are ?

(b) Is it a fact that Mr. Coburn, while he worked as Financial Adviser, Posts and Telegraphs, used to detain cases abnormally on account of which the Senior Deputy Director-General, Mr. J. R. T. Booth, issued orders to maintain a statement of cases submitted to him and to note the dates of their return ?

(c) Is it a fact that at the time of his going on leave to England he took with him a large number of cases which he could not dispose of in due course ?

The Honourable Sir George Schuster : (a) The Financial Adviser, Posts and Telegraphs, is the representative of the Finance Department and exercises the powers of that Department in financial matters relating to the Posts and Telegraphs Department under the general control of the Finance Member. He is responsible for giving financial advice to the Director-General, Posts and Telegraphs, and to the Department of Industries and Labour in respect of Posts and Telegraphs and Stores Department business, for supervising the preparation of the Posts and Telegraphs Budget and for assisting financial control in the Posts and Telegraphs Department generally.

(b) There is no official record to show that any cases were *abnormally* delayed by Mr. Coburn or that Mr. Booth issued the orders referred to by the Honourable Member.

(c) Mr. Coburn took with him only three difficult cases, two of which he returned from Marseilles, and the third soon after his arrival in England.

**EMPLOYMENT OF A TELEGRAPH MASTER-GENERAL AT THE GOVERNMENT
TELEGRAPH OFFICE, LUCKNOW.**

175. *Mr. S. C. Mitra : (a) Will Government please state the number of telegraphists, clerks, and Telegraph Masters employed in the Government Telegraph Office, Lucknow ?

(b) Is it a fact that there is an official designated as Telegraph Master-General, in the above office, whose only duties are to keep an account of casual leave cases, to make arrangements for the men on leave and to prepare a weekly watch list ?

(c) Is it a fact that the Superintendent of the office recommended replacement of the Telegraph Master-General, by a Head Clerk on a lower pay, on the ground that the latter would be quite competent to do the work for which a Telegraph Master was too expensive and quite unnecessary ?

(d) Is it a fact that the recommendation was finally rejected by the Director-General of Posts and Telegraphs ? If so, why ?

Sir Hubert Sams : (a) 43, 18 and 5, respectively.

(b) No, Sir.

(c) and (d). Do not arise.

**NUMBER OF MEMBERS OF VARIOUS COMMUNITIES EMPLOYED IN TELE-
GRAPH OFFICES.**

176. *Mr. S. C. Mitra : (a) Will Government please lay on the table a statement showing the number of Hindus, Muhammadans and Anglo-Indians or Domiciled Europeans recruited for appointment as telegraphists in the departmental telegraph offices in the years 1928-29, 1929-30 and 1930-31 ?

(b) Will Government please further state how many Hindus, Muhammadans and Anglo-Indians or Domiciled Europeans are there working as General and Station Service Telegraphists ?

(c) Will Government please lay on the table a statement showing the number of Hindus, Muhammadans, Anglo-Indians or Domiciled Europeans, who were recruited in the years 1927-28, 1928-29, 1929-30 and 1930-31 for appointment as Engineering Supervisors in General, Electrical and Telephone Engineering Branches ?

(d) Will Government please state how many Europeans, Anglo-Indians, Hindus and Muhammadans are there amongst the gazetted officers and Engineering Supervisors of the Engineering Branch of the Telegraph Department ?

Sir Hubert Sams : (a) A statement is laid on the table.

	Hindus.	Muhammadans.	Anglo-Indians or Domiciled Europeans.
(b) General Service ..	567	51	1,536
Station Service ..	430	37	65

(c) A statement is laid on the table.

	Europeans.	Anglo-Indians.	Hindus.	Muhammadans.
(d) Gazetted Officers ..	51	107	23	2
Engineering Supervisors	1	174	93	12

Statement showing the number of Hindus, Muhammadans, Anglo-Indians or Domiciled Europeans appointed as Telegraphists in Departmental Telegraph Offices in the years 1928-29, 1929-30 and 1930-31.

Community.						1928-29.	1929-30.	1930-31.
Hindus	..	..	.	..	..	..	3	121
Muhammadans	..	..	..	..	..	..	2	12
Anglo-Indians or Domiciled Europeans	..	..				35	12	23
Total						35	17	156

Statement showing the number of Hindus, Muhammadans, Anglo-Indians or Domiciled Europeans appointed as Engineering Supervisors in 1927-28, 1928-29, 1929-30 and 1930-31.

Community.						1927-28.			1928-29.			1929-30.			1930-31.		
						General.	Electrical.	Telephones.	General.	Electrical.	Telephones.	General.	Electrical.	Telephones.	General.	Electrical.	Telephones.
Hindus	..	..	..	..	..	..	..	2	1	..	1	1	1	..	28	5	6
Muhammadans	..	..				..	..	..	1	..	..	..	..	..	1	..	1
Anglo-Indians or Domiciled Europeans.						4	3	2	5	2	1	2	2	..	2	3	1

HOUSE RENT AND ALLOWANCES PAID TO TELEGRAPH AND POSTAL STAFF.

177. ***Mr. S. C. Mitra** : (a) Will Government please state the rate of house-rent and other allowances paid to the Telegraph Traffic and Engineering staff and the total amount expended under these heads in the years 1929-30 and 1930-31 ?

(b) Is any house-rent or other allowance paid to the Postal staff employed in places where such allowances are paid to the Telegraph Traffic or Engineering staff ?

(c) If the reply to part (b) be in the affirmative, what is the rate of allowance ? If reply to part (b) be in the negative, will Government please state why no allowance is paid to them ?

Sir Hubert Sams : (a) to (c). Various kinds of allowances are granted to various classes of officials in the Indian Posts and Telegraphs Department according to localities or nature of duties or on other

considerations. If the Honourable Member will kindly specify the particular "other allowances" and classes of officials in the Traffic, Engineering and Postal Branches of the Department with the names of localities which he has in mind, it may be possible to furnish information.

SHORTAGE OF SUPERVISORY POSTS IN POST OFFICES AND THE RAILWAY MAIL SERVICE.

178. ***Mr. S. C. Mitra :** (a) Will Government be pleased to furnish a statement showing (a) the number of (i) Telegraphists, (ii) Telegraph Masters, and (iii) gazetted officers in the Central Telegraph Offices of Calcutta, Bombay and Madras, and (b) the number of time-scale clerks and selection grade officials respectively in the Calcutta, Bombay and Madras General Post Offices ?

(b) Is it a fact that the number of selection grade posts is 16 per cent. of the total staff in the Telegraph Branch, while it is only 6 or 7 per cent. in the post offices and Railway Mail Service ?

(c) If the reply to part (b) be in the affirmative, will Government please state the reasons for such an invidious distinction ?

(d) Is it not a fact that the post office or Railway Mail Service officials have to deal with money and other valuable articles for which close supervision is necessary ?

(e) Is it a fact that Mr. G. V. Bewoor, I.C.S., in his report on the Time Test has noticed the shortage of supervisory posts in the Post Office and Railway Mail Service and has emphasised the urgent need of adequately increasing their number ?

(f) If so, what action has been taken or is proposed to be taken by Government in the matter ?

Sir Hubert Sams : (a) The statement will be sent to the Honourable Member separately.

(b) The facts are not as stated.

(c) Does not arise.

(d) Yes.

(e) The facts are not as stated. What Mr. Bewoor stated was that the provision of adequate supervisory staff as contemplated by his scheme was essential ; and in applying his proposed test in certain cases found that the results worked out to more staff than existed at the time.

(f) Attention is invited to part (c) of the reply given to Mr. C. S. Ranga Iyer's unstarred question No. 378 in the Legislative Assembly on the 23rd March, 1931.

PREPONDERANCE OF ANGLO-INDIANS IN THE DEPARTMENTAL TELEGRAPH SERVICE.

179. ***Mr. S. C. Mitra :** (a) Is it a fact that the Anglo-Indians are considered as a "minority community" for the purpose of recruitment in the post office and it has been ordered by the Director-General that they should be provided in every fourth vacancy ?

(b) If so, has the Director-General issued any orders for the recruitment of the telegraphists on the same line ?

(c) Is it a fact that the present number of Anglo-Indians in the Departmental Telegraph service is more than 70 per cent. of the total strength? If not, what is the exact proportion?

(d) What are the reasons for the present preponderance of Anglo-Indians in the Departmental Telegraph service?

Sir Hubert Sams : (a) The reply to the first part is in the affirmative and to the second part in the negative.

(b) Does not arise.

(c) The reply to the first part is in the negative. The percentage on the whole Departmental Telegraph service from clerical grades upward is 39.

(d) The ranks of telegraphists were filled in the past mainly by Anglo-Indians.

CONVERSION OF DEPARTMENTAL TELEGRAPH OFFICES INTO COMBINED OFFICES.

180. ***Mr. S. C. Mitra :** (a) Is it a fact that the Posts and Telegraphs Departmental Committee presided over by Mr. Ryan strongly recommended the rapid conversion of departmental telegraph offices into combined offices for effecting economy?

(b) How many offices have been thus converted since the report was accepted by Government?

(c) In view of the present financial stringency in the Department, do Government propose to accelerate the process of conversion and to convert at least 50 per cent. of the existing departmental offices in course of the next two years? If not, what are the difficulties?

Sir Hubert Sams : (a) Yes.

(b) Sixty. In 5 others departmental telegraphists have been replaced by Post Office signallers.

(c) The process of conversion is being pressed on as and when conditions render it feasible. There are at present 81 Departmental Offices of which 42 are Zone and Area Centres and the remaining 38 are Group Centres and Minor Offices. The case of 16 of these is being examined. The remainder will be considered as soon as possible.

PAY OF TELEGRAPHISTS AND POSTAL CLERKS.

181. ***Mr. S. C. Mitra :** (a) Is it a fact that the pay of General Service Telegraphists is Rs. 80—250 *plus* house-rent allowance or free house and compensatory allowance in certain towns?

(b) Is it a fact that their pay was increased in consideration of the fact that they are liable to transfer to any place in India and Burma?

(c) Will Government please state how many General Service Telegraphists were transferred in the years 1928-29, 1929-30 and 1930-31 and what is the percentage of such transfers?

(d) Is it not a fact that the post office clerks are also liable to frequent transfer?

(e) Is it a fact that the Station Service Telegraphists are not liable to any transfer at all ?

(f) Is it a fact that in England there are no differential scales of pay for Telegraphists and Postal clerks ?

(g) Are Government aware that an Arbitration Court in England has held that the work performed by Telegraphists is in no way superior to that performed by Postal clerks and as such there should not be differential scales of pay for them ?

(h) Will Government please furnish a statement showing respectively the time-scale of pay for (i) General Service Telegraphists, (ii) Station Service Telegraphists, and (iii) Postal and R. M. S. clerks working in Rangoon, Bombay, Madras and Calcutta ?

(i) What are the reasons justifying differential scales of pay as between Telegraphists and Postal clerks in India ?

Sir Hubert Sams : (a) Yes.

(b) Yes.

(c) 889, 814 and 564 ; percentages 39.98, 38.94 and 25.56.

(d) The case is not as stated.

(e) Ordinarily, yes.

(f) and (g). Government have no information.

(h) The statement is being sent to the Honourable Member.

(i) The different scales of pay were sanctioned in consideration of different kinds and conditions of work. All these questions, however, are embraced by the examination which is being made by the Retrenchment Advisory Committee.

PARTICIPATION OF THE GOVERNMENT OF INDIA IN THE WORLD DISARMAMENT CONFERENCE.

182. ***Mr. S. C. Mitra :** (a) Will Government please state whether, as a member of the League of Nations, they have been invited to participate in the World Disarmament Conference to be held in February, 1932 ?

(b) If the reply to part (a) be in the affirmative,

(i) have they undertaken any preparation or preliminary investigation or consultation in connection with the matter ;

(ii) has any correspondence passed between them and His Majesty's Government on the subject ; and

(iii) have they received any request from the League to furnish particulars with regard to the position of their armaments and, if so, what reply have Government sent ?

Mr. G. M. Young : (a) Yes.

(b) Information with regard to armaments in India has been called for by the League, through the Secretary of State for India, and has been supplied to the League, through the same channel, in accordance with the instruction contained in the Draft Disarmament Convention.

USE OF TROOPS FROM THE INDIAN ARMY OUTSIDE INDIA.

183. ***Mr. S. C. Mitra :** (a) With reference to section 1, paragraph 3 (iii) of Field Service Regulations, Volume I (1930), will Government please state whether any agreement or understanding, formal or informal, exists between His Majesty's Government and the Government of India with regard to any contingents of troops to be furnished by the latter, in any circumstance, for service outside the limits of India and Afghanistan ?

(b) If the reply to part (a) be in the affirmative, what are the circumstances in which they are to be furnished and what is the strength of the contingents which Government have taken upon themselves the responsibility to furnish ?

Mr. G. M. Young : (a) The Government of India have entered upon no undertaking or commitment to send troops out of India, nor could they do so, as it is impossible for them to say whether at any given time any troops could be spared.

(b) Does not arise.

USE OF TROOPS FROM THE INDIAN ARMY OUTSIDE INDIA.

184. ***Mr. S. C. Mitra :** (a) Will Government please state whether, between 1921 and the present date, any requests or proposals were received by them from His Majesty's Government, or the War Office, or any other authority in the United Kingdom, for the prospective or immediate employment of any part of the Army in India for service outside India and Afghanistan ? If so, on how many and what occasions ?

(b) Will Government please lay on the table the correspondence which led to the despatch of a contingent of Indian troops to China in 1926-27 ?

Mr. G. M. Young : (a) Only one occasion has arisen since 1921 on which the Government of India were asked actually to send troops out of India. That is the occasion referred to in part (b).

(b) The Government are not prepared to lay the correspondence on the table. The circumstances leading to the despatch of the contingent were, however, fully stated by Lord Irwin in his speech to this Assembly on the 24th January, 1927.

Mr. K. Ahmed : Is it not a fact that only the other day troops were despatched to China in the regime of Lord Reading for the protection of British subjects ?

Mr. G. M. Young : So far as my recollection goes, it was in the time of Lord Irwin.

DIRECT COMMUNICATION BETWEEN THE ARMY AUTHORITIES AND THE WAR OFFICE.

185. ***Mr. S. C. Mitra :** (a) Will Government please state whether His Excellency the Commander-in-Chief, or any of the principal staff officers under him have the right to communicate directly on any subject with the Secretary of State for War, the Army Council, Chief of the Imperial General Staff, or any other authority at the War Office ?

(b) If the reply to part (a) be in the affirmative,

- (i) what are the subjects on which such correspondence takes place ; and
- (ii) whether it is submitted to the Government for information or decision ?

Mr. G. M. Young : (a) and (b) (i). The Commander-in-Chief has the right of corresponding direct with the War Office personally, or through his Principal Staff Officers, on questions relating to intelligence, training, preparation for war, routine and other matters not requiring the decision of Government, and the supply of military information required by the Chief of the Imperial General Staff. The right does not extend to important questions involving principle or policy or expenditure from Indian revenues. These are dealt with by the Army Department of the Government of India in correspondence with the Secretary of State for India.

(b) (ii). Under existing orders, copies of all direct communications between the Commander-in-Chief and the Chief of the Imperial General Staff are furnished to the Government of India, the India Office and the War Office. Routine correspondence with the War Office is not ordinarily submitted to Government for information : but the Secretary to the Government of India in the Army Department can call for and examine the papers on any subject dealt with at Army Headquarters.

NATURE, EXTENT AND SCOPE OF INTERNAL SECURITY SCHEMES.

186. ***Mr. S. C. Mitra :** In connection with their answer to starred question No. 195, dated January 29th, 1931, will Government please refer to paragraphs 11, 12 and 13, and to Appendix XXIX of the Regulations for the Army in India and explain the scope, extent and nature of :

- (a) the internal security schemes prepared by the Director of Military Operations, the General Officer Commanding-in-Chief the commands and the District Commanders, under the regulations ;
- (b) the measures for the support and maintenance of the civil power taken by the Director of Military Operations at the Army Headquarters under the same authority ; and
- (c) the responsibility imposed under paragraphs 11 and 12 of the Army Regulations upon the General Officer Commanding-in-Chief and the District Commanders in respect of the security of internal areas under their command ?

Mr. G. M. Young : It would not be in the public interest to disclose the scope, extent or nature of internal security schemes.

ARTILLERY ALLOTTED FOR INTERNAL SECURITY.

187. ***Mr. S. C. Mitra :** With reference to their answer to starred question No. 191, dated the 29th January, 1931, will Government kindly give the following information :—

- (a) the date from which medium artillery ceased to be allotted to internal security ;

- (b) the number of field artillery sections which, in the event of the mobilization of the Field Army, will be left behind at different stations in India and be " classed among Internal Security Troops " ;
- (c) how many of these will be on full establishment and how many on a lower establishment ;
- (d) whether it is possible to bring the sections on a lower establishment on to their full complement of driving and gunner personnel if need arises to reinforce the artillery of the Field Army ; and
- (e) the number of Field Brigades and batteries, complete in equipment and personnel, which in the event of the mobilization of the Field Army, will remain at the disposal of the Army Headquarters or the subordinate commands or districts as a reserve, unless allotted to the Field Army in excess of the sanctioned war establishments ?

Mr. G. M. Young : (a) and (b). It would not be in the public interest to furnish this information.

- (c) All on a lower establishment.
- (d) Yes.
- (e) None.

HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

188. ***Sardar Sant Singh :** (a) Will Government be pleased to state the number of acres allotted in the Jhelum Canal Colonies on horse-breeding conditions ?

(b) What was the number of mares belonging to the Ghoripals in both the colonies in the years 1928-29 and 1930 ?

(c) How many of the breedings of these mares have been purchased by the Army Remount Department ?

(d) How many of these, including fillies kept for breeding purposes, have been purchased during the last seven years, over the age of 18 months ?

Mr. G. M. Young : (a) Approximately 2,25,120 acres.

(b) The number of horse breeding mares in 1928-29 and 1929-30 was 4,502 and 4,346, respectively.

(c) 407 young stock horses were purchased in 1928-29 and 478 in 1929-30.

(d) 720. These were purchased at the expressed wish of their owners.

BRANDING OF MARES IN THE JHELUM CANAL COLONIES.

189 ***Sardar Sant Singh :** (a) Is it a fact that some mares in the Jhelum Canal horse-breeding colonies are branded with J. C. and others are branded as G. I. J. ?

(b) What is the number of mares branded J. C. ? What is the number of mares branded G. I.|J. in both the colonies ?

(c) Is it a fact that Army Remount Department decides to brand mares as J. C. or G. I.|J. at its discretion ? If the reply of the above question be in the affirmative, will Government be pleased to state the rules which govern the discretion of Army Remount Officers ?

Mr. G. M. Young : (a) Yes.

(b) In 1930-31, 4,131 mares were branded JC and 293 were branded GI|J.

(c) No, Sir. The JC brand is used for mares kept by breeders holding land on horse breeding terms. The GI|J brand is used for mares of unbound breeders and a mare is so branded only at the request of the owner.

BRANDING OF MARES IN THE JHELUM CANAL COLONIES.

190. ***Sardar Sant Singh :** (a) Is it a fact that J. C. brand is used for the mares kept under the condition on which the land has been allotted in the Jhelum Canal colonies ?

(b) If so, why has G. I.|J. brand been introduced ?

Mr. G. M. Young : (a) Yes.

(b) To distinguish unbound from bound mares and to enable the owner of an unbound mare to have the use of a Government stallion.

BRANDING OF MARES IN THE JHELUM CANAL COLONIES.

191. ***Sardar Sant Singh :** (a) Is it a fact that grantees of land in Jhelum Canal colonies who keep a spare mare are forced to get their spare mare branded with J. C. ? If so, why has this practice been allowed to prevail ?

(b) Are Government aware that keeping of such spare mare has inflicted great hardship upon the grantees of land ?

(c) Is it a fact that a regular record of spare mares is also kept ? If so, why ?

(d) Is it a fact that in case of breach of rules the spare mares are also subjected to fines and penalties ?

Mr. G. M. Young : (a) No, Sir. There is no compulsion as regards maintenance or branding.

(b) No, Sir. Spare mares are kept at the option of the owners.

(c) Yes. In the interests of the owners, a record of coverings and foalings is maintained. This enhances the value of the stock.

(d) No, Sir.

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : Is it not a fact that the grant of the concession of furnishing a record of the coverings and foalings of mares is greatly appreciated by the colonists for the reason that they have the services of superior colony stallions and also get a good price for their young stock from Government ?

Mr. G. M. Young : That is undoubtedly a fact, Sir.

BRANDING OF MARES IN THE JHELM CANAL COLONIES.

***Sardar Sant Singh** : (a) Is it a fact that mares, both with J. C. and G. I.|J. brands can be covered by Army Remount Department stallions ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state why spare mares are branded as J. C. instead of G. I.|J. ?

Mr. G. M. Young : (a) Yes, but owners of GI|J mares have to pay a covering fee of Rs. 5.

(b) The Honourable Member is referred to the answer which I have just given to the two previous questions.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

193. ***Sardar Sant Singh** : (a) Will Government be pleased to lay a statement on the table showing an average annual result of coverage in the Jhelum Canal horse-breeding colonies during the last two decades ?

(b) How many fillies have been purchased by the Army Remount Department during this period ?

(c) What is the number of fillies made over to Ghoripals for breeding purposes ?

(d) What is the number of Army thorough-blood mares branded by the Remount Officer and purchased by the Ghoripals during the last 5 years ? What are their ages ? What is the total price paid by the Ghoripals for the same ? In case, the answer to this question be in the negative, is it a fact that Army Remount Department interferes with the free purchase and sale of Ghoripal mares ?

Mr. G. M. Young : I am afraid that I cannot furnish information for the last two decades. I lay on the table, however, a statement which covers the last five years in respect of parts (a), (b) and (d) of the question and the last 25 years in respect of part (c).

The answer to the last part of question (d), in so far as I have been able to understand it, is in the negative.

(a) 1926-27	..	..	..	..	..	3,787
1927-28	..	..	..	..	..	3,976
1928-29	..	..	..	..	..	4,066
1929-30	..	..	..	..	..	3,885
1930-31	..	..	..	..	..	3,736

(b) 238, during the last five years.

(c) 10,925 since 1905-06.

(d) 97 thorough bred English mares. The total price paid by Ghoripals was Rs. 80,349. The ages of these mares were :

2	..	..	..	..	..	4 year old.
11	..	..	..	..	..	5 year old.
12	..	..	..	..	..	6 year old.
14	..	..	..	..	..	7 year old.
18	..	..	..	..	..	8 year old.
10	..	..	..	..	..	9 year old.
15	..	..	..	..	..	10 year old.
8	..	..	..	..	..	11 year old.
3	..	..	..	..	..	12 year old.
4	..	..	..	..	..	13 year old.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

194. *Sardar Sant Singh : (a) Is it a fact that during the last 18 months there have been cases where the Army Remount Officer declined to purchase a foal in the first instance and soon after either purchased it or permitted its sale for breeding purposes ? If so, why ?

(b) Do Government know that such instances have led to corruption in the office of the said Army Remount ?

Mr. G. M. Young : (a) It frequently happens that stock are presented for purchase in poor condition, and are subsequently bought after the owner has conditioned them.

(b) Government are not aware of any corruption in this connexion. If the Honourable Member will quote a specific case I will inquire into it.

COMPLAINTS OF HORSE-BREEDING GRANTEES OF LAND AGAINST THE ARMY REMOUNT OFFICER, SARGODHA.

195 *Sardar Sant Singh : (a) Are Government aware that the present Remount Officer has been in the Army Remount Office, Sargodha, for the last nine years ?

(b) Is it a fact that grantees of land have been complaining against this officer ? If so, why has he not been transferred from this place ? Do Government intend to transfer him ? If not, why not ?

(c) Are Government aware that this officer has been employing agents who have abused their position ? Have Government received any complaint that illegalities have been committed by this officer ?

(d) Is it a fact that on the 6th December, 1928, the Revenue Member of the Punjab held a *Durbar* at Sargodha in order to explain away the alleged illegalities committed by this official ?

(e) Is it a fact that the same Revenue Officer, prior to holding this *Durbar*, made enquiries into the conduct of this official and heard the complaints of the grantees ?

(f) Is it a fact that a committee of enquiry was formed in the same *Durbar* to go into the grievances of the grantees ?

(g) Is it also a fact that this very Remount Officer was included as a member of that Committee ?

(h) Is it also a fact that the grantees refused to do anything with this committee and so no committee sat ?

Mr. G. M. Young : (a) The officer has been at Sargodha for 7 out of the last 8 years.

(b) Some complaints have been made : but they proved to be without foundation. There was consequently no reason to transfer the officer before his tenure would otherwise have expired. He would normally be transferred on November 1st, 1931. Orders to that effect issued last February.

(c) The answer is in the negative.

(d) to (h). The matter concerns the Local Government, to whom a copy of this question will be sent.

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : May I ask if it is the policy of Government to keep District Remount Officers at Sargodha for a pretty long time ?

Mr. G. M. Young : Yes, Sir. It is the policy of Government to keep Remount Officers in horse-breeding areas for a considerable time.

Sardar Sant Singh : May I know what is the longest period for which such an officer can remain in one station ?

Mr. G. M. Young : There is no fixed rule ; one officer was there for about 9 years so far as I remember.

Mr. B. R. Puri : May I know on what basis this period is fixed ? Why not 11 years or any other figure ? Where is the special virtue in 9 years ?

Mr. G. M. Young : There is no fixed rule, Sir.

Mr. K. Ahmed : Is there not a Committee at Sargodha where matters can be complained of with a view to the grievances being removed ?

Mr. G. M. Young : I think, Sir, the Honourable Member will receive an answer to the question that he is asking now, if he listens to the answers to be given to the next 20 or 25 questions.

Sardar Sant Singh : Can the Honourable Member quote any other instance where an officer was allowed to remain in one station for this period of 9 years ?

Mr. G. M. Young : I have already stated that one officer was in this particular station for 9 years.

HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

196. ***Sardar Sant Singh :** (a) Will Government be pleased to state the number of Army Remount Department stallions in the Sargodha Circle for each year during the last 20 years ? How many of them were thoroughbred ? How many Arab ? How many Nuggar Arab, Marwari, etc. ?

(b) Will Government be pleased to state the number of stallions sanctioned for the Jhelum Canal Colonies ?

(c) What is the percentage result of coverage for each variety of stallions during the last 20 years ? What is the percentage of the progeny of thoroughbred Arab ?

(d) Is it a fact that previously mares used to be covered twice in a single day ? If so, when was this practice stopped ?

(e) Will Government kindly give the reasons for stopping this practice ? Is it a fact that, for some time, stallions have not been allowed to cover daily but only after intervals of two to four days ? If so, do Government know that allottees on horse-breeding conditions suffer in consequence of these long delays in covering ?

(f) Is it a fact that if the mares are not covered in season the keepers of mares have to undergo a good deal of trouble in coming to the stables every day till the next season ?

Mr. G. M. Young : (a) The figures for the last 20 years are not readily available, but the average for one year would be approximately 90 stallions. The present percentage by classes are :

Thorough-bred English	..	..	..	40 per cent.
Arab	..	..	..	40 per cent.
Other breeds	..	..	..	20 per cent.

(b) 101 in April last since when it has been raised to 107.

(c) The full information desired by the Honourable Member is not available. The average percentage of foals to coverings for the past 3 years is 38.76.

The average foaling percentage of Arab stallions for the last 3 years is 44.39.

(d) Yes. The practice was discontinued in 1919.

(e) I do not suppose, Sir, that the House will wish me to enter deeply into biological details. The reforms to which the Honourable Member alludes were introduced as much in the interests of the owners of mares as of the stallions themselves. They cause no hardship so far as Government are aware, and they are common to all countries where high class stock is raised.

(f) I understand that a very few habitually defaulting tenants have been treated in this way.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

197. ***Sardar Sant Singh :** (a) Is it a fact that after covertures mares are required to be tested by rules four or five times during 6 weeks ?

(b) Is this rule observed ? If so, will Government kindly state the number of mares that have been so tested during the last 5 years ?

(c) Is it a fact that the Army Remount Department has given orders to Ghoripals to bring the mare for testing or for inspection by the Army Remount Officer in person ?

(d) Is it a fact that in some cases Ghoripals have to travel about 20 miles a day in the hottest months of the year for this purpose ?

(e) Do Government propose to cancel such orders if they exist ?

(f) Do Government propose to put a stop to the testing of the mares before and after the covertures and leave it to the Ghoripals themselves ?

(g) Is it a fact that in the statement of conditions on which the land was granted no such test is mentioned ?

Mr. G. M. Young : (a) Yes.

(b) Yes. 17,963 mares have been tested during the last five years.

(c) Only in the case of very few grantees who have failed to get their mares in foal over a very long period.

(d) No, Sir.

(e) Does not arise.

(f) No, Sir.

(g) The test is not specifically mentioned, but is covered by the terms of the grant.

Sardar Sant Singh : What objection can the Government have to its being sent instead of being brought by the owner himself ?

Mr. G. M. Young : I do not know of any objection to that procedure.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

198. ***Sardar Sant Singh :** (a) What is the total area of land allowed to all the stallion stables in Sargodha Circle, including the land in the control of Army Remount Department, Sargodha Circle ?

(b) What has been the gross income from these lands during the last ten years ?

(c) What has been the annual expenditure of the Army Remount Department during the last ten years ?

(d) What has been the annual maintenance charges, excluding the income from the allotted land, for the last 20 years ? Does it include the price paid for purchasing the stallions or not ? If not, from what fund are stallions purchased ?

(e) What has been the cost of stallions purchased during the last 20 years ?

Mr. G. M. Young : I lay a statement on the table.

(a) 1,120 acres, 4 killas and 3 kanals of land are attached to the Stallion Stables of the Shahpur Area. In addition, the old 8th Cavalry run (approximately 1,500 acres) is administered by the District Remount Officer, Shahpur Area.

(b) The land attached to the Stallion Stables is for the supply of fodder to the stallions.

The 8th Cavalry run has been administered for 9 years only. During this period the gross income has been Rs. 4,86,171-14-7.

(c) The expenditure on the Shahpur Area has been as follows :

						Rs.
1921-22	..	..	..	..	..	1,50,804
1922-23	..	..	..	..	..	1,32,670
1923-24	..	..	..	..	..	1,17,988
1924-25	..	..	..	..	..	1,28,771
1925-26	..	..	..	..	..	1,18,571
1926-27	..	..	..	..	..	1,30,230
1927-28	..	..	..	..	..	1,32,547
1928-29	..	..	..	..	..	1,23,450
1929-30	..	..	..	..	..	1,51,008
1930-31	..	..	..	..	..	1,56,331

(d) The Hon'ble Member is referred to the statement laid on the table in reply to parts (a) and (b) of starred question No. 204. The figures given therein do not include the purchase price, as stallions are purchased from a separate fund on all-India basis.

(e) Figures for the Shahpur Area as a separate entity are not available.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

199. ***Sardar Sant Singh :** (a) Is it not a fact that the Revenue Officer does not give any reason when he discharges the mare for not fillying ?

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(b) Is it a fact that the Remount Officer at the time of discharging the mare destroys the covering certificate containing the history of the mare ?

(c) Is it not a fact that instances have happened where the mare thus discharged was found to be with a foal later on and was re-entered ?

(d) Is it a fact that a copy of the record of the history of the mare is not given to the Ghoripal ? If so, why ?

Mr. G. M. Young : (a) I have not been able to understand this question.

(b) No, Sir.

(c) A very few instances have occurred.

(d) No, Sir.

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : Is it not a fact that the Revenue Officer has nothing to do with the discharge of the mare ?

Mr. G. M. Young : That is one of the reasons why I was unable to understand that part of the question.

Sardar Sant Singh : Part (a) of my question means this that the Revenue Officer strikes off the mare from the list of the branded mares if it does not filly for a particular period.

Mr. G. M. Young : Sir, I am afraid I do not understand the meaning of the verb to "filly".

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

200. ***Sardar Sant Singh :** (a) Will Government be pleased to state the annual expenditure on medicines given free for brood-mares to Ghoripals during the last 5 years ?

(b) What is the number of mares and their youngsters that have been treated during this period ?

(c) Is it a fact that such medicines are not given free to all the Ghoripals who come for treatment of their mares ?

(d) Have Government received any complaint on this point ? If so, do Government propose to remove this complaint ?

Mr. G. M. Young : (a) and (b). The information is not available.

(c) Free medicines are distributed as far as resources permit.

(d) No, Sir.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

201. ***Sardar Sant Singh :** Is it a fact that Ghoripals have been compelled to grow oats as fodder for the bound mares ? If so, under what law ? Is it in the conditions on which land in the Jhelum Canal Colonies has been granted ?

Mr. G. M. Young : No, Sir, they have been advised to do so in their own interests. It is not in the conditions on which the land was granted.

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : Does the Honourable Member know that only last year on the special representation of the present District Remount Officer the canal closure did not take place merely to allow the colonists to cultivate their oats ?

Mr. K. Ahmed : I submit, Sir, that that question does not arise in this form.

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : The question is relevant because it has been alleged that oats cultivation is forced upon the colonists. My question shows that the colonists approached the District Remount Officer and he represented the matter to the Irrigation Department and got the closure stopped for oats cultivation.

Mr. G. M. Young : I am prepared to take the information from the Honourable Member.

HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

202. ***Sardar Sant Singh :** Is it a fact that Ghoripais are compelled to take their mares to the horse races and cattle fares by the Remount Officer ? If so, will Government please state under what conditions has this order been passed ?

Mr. G. M. Young : No, Sir, mares are not raced. Fillies maturing in the breeding area are inspected from time to time. These inspections are arranged to coincide with race meetings at Headquarters. After inspection, owners of selected fillies are advised to race them, as this is considered beneficial to their development. There is no question of compulsion.

HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

203. ***Sardar Sant Singh :** Will Government kindly define the duties of the Indian Officer, Army Remount Department, Sargodha, so far as these duties concern the Ghoripais ?

Mr. G. M. Young : The Indian officer comes directly under the orders of the District Remount Officer. His duties generally are to assist in the administration of the horse-breeding Area and also to bring to notice all matters affecting its efficiency.

. HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

204. ***Sardar Sant Singh :** (a) Will Government kindly state the average annual expense of a stallion ?

(b) What has been the average expense of a stallion per year during the last 10 years ?

(c) Will Government be pleased to state the average expense which the Ghoripais incur on one mare and one foal ?

Mr. G. M. Young : (a) and (b). A statement giving the information is laid on the table.

(c) Government have no information.

						Rs.	A.	P.
1921-22	..	..	..	..	..	641	0	0
1922-23	..	..	..	..	..	411	10	0
1923-24	..	..	..	..	..	319	7	2
1924-25	..	..	..	..	..	321	8	5
1925-26	..	..	..	..	..	321	6	5
1926-27	..	..	..	..	..	322	1	3
1927-28	..	..	..	..	..	323	3	7
1928-29	..	..	..	..	..	389	3	0
1929-30	..	..	..	..	..	422	0	5
1930-31	..	..	..	..	..	413	14	3

HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

205. *Sardar Sant Singh : (a) Will Government kindly give the total number of youngsters supplied in a year by all the Ghoripals of Sargodha Circle during the last 20 years ?

(b) What has been standard price of a youngster on an average during the last 5 years ?

(c) What was the standard price of the youngster during 10 years prior to the last 5 years ?

(d) By what standard is the price of a youngster fixed ?

Mr. G. M. Young : A statement is laid on the table.

(a)	1911	..	..	..	..	..	411
	1912	..	..	..	..	..	376
	1913	..	..	..	..	..	400
	1914	..	..	..	..	..	417
	1915	..	..	..	..	..	292
	1916	..	..	..	..	..	238
	1917	..	..	..	..	..	399
	1918	..	..	..	..	..	404
	1919	..	..	..	..	..	374
	1920	..	..	..	..	..	432
	1921	..	..	..	..	..	305
	1922	..	..	..	..	..	526
	1923	..	..	..	..	..	487
	1924	..	..	..	..	..	518
	1925	..	..	..	..	..	500
	1926	..	..	..	..	..	509
	1927	..	..	..	..	..	351
	1928	..	..	..	..	..	414
	1929	..	..	..	..	..	526
	1930	..	..	..	..	..	438

(b) Rs. 224.

(c) The average price of a colt during the four years before the last five years was Rs. 225. Information prior to this is not available.

(d) Age, measurements, condition and general merit.

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : May I know, Sir, what is the meaning of " youngsters " ?

Mr. G. M. Young : I am myself unfamiliar with the term as applied to horses. I assumed that the Honourable Member was referring to colts.

HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

206. *Sardar Sant Singh : (a) Is it a fact that some Army Remount areas for the purchase of remounts have been abolished after the Great War ?

(b) If so, how many, and for what reasons ?

(c) Will Government be pleased to state the reasons for retaining the Army Remount Depot at Mona ?

Mr. G. M. Young : (a) and (b). I presume that the Honourable Member refers to breeding areas. The Amritsar and Baluchistan breeding

areas have been abolished since the war, as it did not pay Government to retain them.

(c) The Depot is retained for maturing young stock horses and mules bred in India, and acclimatizing mules from overseas.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

207. ***Sardar Sant Singh** : (a) Do Government intend to sell proprietary rights of the lands granted on horse-breeding conditions ?

(b) If so, what price per acre has been fixed ?

(c) Do Government intend to sell proprietary rights to the non-Ghoripals as well ? If so, at what price ?

(d) Will Government kindly give the estimated price the Government will realise from the Ghoripals by selling proprietary rights to them and to non-Ghoripals as well ?

(e) What amount are Government likely to get by selling lands under Mona and Sargodha Depots ?

Mr. G. M. Young : (a) No, Sir.

(b) Does not arise.

(c) and (d). The matter concerns the Local Government.

(e) Government have no intention of selling the sites of these depots.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

208. ***Sardar Sant Singh** : What is the average price per mare paid by the Army Remount Department, when purchasing mares from the Ghoripals ?

Mr. G. M. Young : Government do not purchase mares.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

209. ***Sardar Sant Singh** : (a) Is it a fact that the Remount Officer, Sargodha Circle, inflicts fines on the Ghoripals ? If so, under what law has such power been conferred upon him and by what authority ? If not, did the Remount Officer exercise these powers during the last five years ?

(b) From what date have these powers been withdrawn ?

(c) How much fine has so far been inflicted by the Army Remount Department during the last 15 years ?

Mr. G. M. Young : The matter concerns the Local Government, to whom a copy of this question is being sent.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

210. ***Sardar Sant Singh** : (a) Is it a fact that there is a Horse-Breeding Society in Sargodha Circle ? If so, is it a body of non-officials or a body created by Government ?

(b) Is it a fact that subscriptions for this Society are realised by the Zilledars of the Army Remount Department and the Zaildars and Naib-Tehsildars of the Revenue Department ?

(c) Is it a fact that a Government official is the President of this society ?

(d) What amount of subscriptions has annually been collected from 1925 to 1930 ?

(e) Has the Society effected any improvements in horse-breeding ?

Mr. G. M. Young : (a) Yes. It is a private Society.

(b) Subscriptions are not realised through the medium of the Zilladars of the Army Remount Department. The Government of India are not concerned with the latter portion of the question.

(c) Yes. The Deputy Commissioner, Shahpur District.

(d) Government have no information.

(e) The Society is a new one, but I am informed that it has already done much useful work in the interests of the breeders and breeding generally in the Shahpur Area.

Mr. Gaya Prasad Singh : Is it not a fact that there is a horse-breeding society in the Punjab to which the Government of India make an annual contribution ?

Mr. G. M. Young : I must ask for notice of that question.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

211. ***Sardar Sant Singh :** (a) Is it a fact that some rules for the punishment of Ghoripals have been framed ? If so, by whom and under what authority ?

(b) Will Government be pleased to lay a copy of the rules, as framed, on the table ?

(c) Who were the members of the sub-committee which framed these rules ?

(d) Was the Punjab Legislative Council or Legislative Assembly consulted ?

(e) Were the Ghoripals given any chance of sending their representative before the framing of the rules ? If so, what is the name of that representative ? If not, why not ?

Mr. G. M. Young : Rules have been framed by the Local Government, to whom a copy of this question is being sent.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

212. ***Sardar Sant Singh :** (a) How much area, originally allowed to the Ghoripals, has been temporarily resumed by Government ?

(b) How much area has been permanently resumed ?

(c) How much money has been realised by Government on account of the lease of these temporary resumptions ?

(d) Has the attention of Government been drawn to the ruling of the Financial Commissioner in the case of Dhian Singh of Chack No. 90 N. B. vs. Crown ; case No. 33 of 1919-20—Revenue ?

(e) If the reply to part (d) be in the affirmative, is it a fact that the principles laid down in the above ruling have not been applied to the cases of the Ghoripals so far? If not, why not?

(f) Has this ruling been over-ruled? If so, by what authority and when?

(g) Is it a fact that the lease money of the lands belonging to the minors has not been paid to them on their attaining majority? If not, why not?

Mr. G. M. Young : A copy of this question is being sent to the Local Government.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

213. ***Sardar Sant Singh :** (a) Is it a fact that the Deputy Commissioner of Sargodha inflicts fines on the Ghoripals on the complaint of the Remount Officer?

(b) How many cases were sent up by the Remount Officer to the Deputy Commissioner for punishment during the last 10 years?

(c) In how many cases was punishment inflicted and in how many cases were the Ghoripals let off?

(d) Is it a fact that Ghoripals have produced defence in these cases?

(e) In how many cases these defences were accepted?

(f) What is the total amount of fine thus realised annually during the last 10 years?

(g) Are Government prepared to consider the question of appointing a committee to go into the questions of complaints of the Army Remount Department in order to check the arbitrary use of power by the executive in such cases?

Mr. G. M. Young : A copy of this question is being sent to the Local Government.

Sardar Sant Singh : May I know, Sir, if the Remount Officers are not governed by the Army Remount Department of the Government of India? Do not the Government of India in the Army Department control the actions of their officers and the conditions on which the loan has been granted and the breaches of those conditions?

Mr. G. M. Young : The Remount Officers are under the Army Department of the Government of India, but it is not their action that is complained of but the action of the Deputy Commissioner, Sargodha.

Sardar Sant Singh : Are the Government of India aware of the rules framed by the Local Government? If so, under what authority have they framed those rules?

Mr. G. M. Young : The Government of India are aware that there are rules framed by the Local Government.

Mian Muhammad Shah Nawaz : Why cannot the Government of India lay a copy of the rules on the table of the House?

Mr. G. M. Young : I think they probably could do so.



Sardar Sant Singh : Have ever the Government looked into the legality of these rules framed by the Local Government in this respect ?

Mr. G. M. Young : I do not know whether the legality of the rules has ever been challenged.

Mian Muhammad Shah Nawaz : Will the Honourable Member kindly lay a copy of these rules on the table of the House ?

Mr. G. M. Young : I will consider that.

Mian Muhammad Shah Nawaz : There is no question of consideration.

Mr. G. M. Young : I have not yet studied the rules.

Mian Muhammad Shah Nawaz : Is the Honourable Member going to consider whether he should place the rules on the table or not ? If the Honourable Member would kindly see question No. 211 (b), it asks : " Will Government be pleased to lay a copy of the rules as framed on the table " ? Surely the Honourable Member must have considered that long ago.

Mr. Gaya Prasad Singh : Caught napping this time. (Laughter.)

Mr. K. Ahmed : Will the Army Secretary, in view of the fact that there are so many complaints, kindly forward these questions to the local authorities so that they may take proper steps to remove the grievances and in that case the Honourable Member may probably withdraw his question ?

Mr. G. M. Young : I have already said that I will forward these questions to the Local Government.

Mr. K. Ahmed : My suggestion under the circumstances to the Honourable Member who put this question is that he should withdraw his interpellations, so that more useful work may be done. Will he kindly withdraw his question ? In view of the fact that the Army Secretary has assured him that the question will be forwarded to the Local Government and that steps will be taken to remedy the grievances ?

Sardar Sant Singh : I am not withdrawing my question.

HORSE-BREEDING IN THE JHELM CANAL COLONIES.

214. ***Sardar Sant Singh :** (a) Will Government be pleased to state the amount of takavi loan granted to the Ghoripals for the purchase of brood-mares during the last four years ?

(b) Is it a fact that the price of mares is fixed by the Remount Officer ?

(c) Has the Ghoripal any voice in fixing such prices ?

(d) What provision is made for arbitration or otherwise in the case of difference of opinion between the owner of the mare and the Army Remount Officer ?

Mr. G. M. Young : (a) Rs. 4,91,035.

(b) Only when the seller and purchaser cannot agree and ask the Remount Officer to act as medium.

(c) Yes, and he is encouraged to do so.

(d) The Honourable Member is referred to the reply given to part (b) of the question. An Arbitration Committee is provided for under the orders of the Local Government.

HORSE-BREEDING IN THE JHELUM CANAL COLONIES.

215. ***Sardar Sant Singh** : What expense do Government incur on a youngster which enters the Depot at the age of 10½ months and what is their expense till it attains the age of 5 years ?

Mr. G. M. Young : Young stock are usually purchased as yearlings and not at 10½ months. Young stock horses are issued at 4½ years. The total cost including purchase price is about Rs. 1,000.

NON-TRANSFERENCE OF THE INDIAN OFFICER OF THE ARMY REMOUNT DEPARTMENT, SARGODHA CIRCLE.

216. ***Sardar Sant Singh** : (a) Is it a fact that the Indian officer of the Army Remount Department, Sargodha, is a native of the district ?

(b) To what family does he belong ?

(c) How long has he been in Sargodha Circle ?

(d) Will Government kindly state the rules prescribing the period after which the Indian officer of the Army Remount Department should be transferred from one place to another ?

(e) Why has not that rule been applied to him ?

(f) Is it a fact that he belongs to the well-known Tiwana family and he is kept there on that account ?

(g) Is it a fact that he interferes at the time of elections to the Local Council and the Assembly ?

Mr. G. M. Young : (a) Yes.

(b) Tiwana.

(c) Since March 1924.

(d) No rules are laid down. The interests of the State govern the length of tour of duty in one place.

(e) Does not arise.

(f) I have already answered the first part of the question. The answer to the second part is in the negative.

(g) So far as Government are aware there is no truth in the suggestion.

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : Is it a fact that K. B. Gul Sher Khan, the Indian officer was in this colony from 1903, that is, the date of his appointment till 1912, that is the date of his death.

Mr. G. M. Young : Yes, Sir. I believe so.

Khan Bahadur Malik Allah Bakhsh Khan Tiwana : Is it not a fact that there had been several Indian officers in this colony who do not belong to this district before the present incumbent ?

Mr. G. M. Young : I should have to verify that, but I see no reason to doubt the statement.

Sardar Sant Singh : Is it not in the interests of discipline in the Department that no officer belonging to the district should be posted there ?

Mr. G. M. Young : No, Sir.

EMPLOYEES OF THE ARMY REMOUNT DEPARTMENT, SARGODHA CIRCLE.

217. ***Sardar Sant Singh** : (a) Will Government kindly lay on the table the number of persons employed in the Army Remount Department, Sargodha, during the last five years ?

(b) How many employees belong to the Shahpur District ?

Mr. G. M. Young : (a) The authorised establishment is 244 : there has been little variation during the last five years.

(b) The information is not available.

RELEASE OF POLITICAL PRISONERS IN THE PUNJAB.

218. ***Sardar Sant Singh** : (a) Will Government be pleased to state whether all the political prisoners, not convicted of violence have been released under the agreement between His Excellency Lord Irwin and Mahatma Gandhi ?

(b) How many such prisoners have not been released in the Punjab and for what reasons ?

The Honourable Sir James Crerar : (a) Yes.

(b) The total number of prisoners undergoing sentence in the Punjab for offences in connection with the Civil Disobedience Movement on the 5th March last was 1,858. Of these, 85 were still undergoing imprisonment on the 15th August 1931. They were not released because their cases did not come within the terms of the Settlement.

EMPLOYMENT OF SIKHS ON THE NORTH WESTERN RAILWAY.

219. ***Sardar Sant Singh** : (a) Will Government kindly state which community out of Hindus, Muhammadans and Sikhs is the minority community in the Punjab ?

(b) Is it a fact that the Sikhs are a distinct minority community in the province ?

(c) Is it a fact that the Sikhs are not adequately represented in the services of the North Western Railway ?

Mr. A. A. L. Parsons : (a) and (b). According to the latest figures available, the Sikhs are numerically the smallest of the three communities mentioned by the Honourable Member in the Punjab.

(c) I do not think the suggestion in the Honourable Member's question could be substantiated. According to an estimate based on the census figures of 1921, the percentage of Sikhs in the area served by the North Western Railway was 7.80. In the subordinate service of that Railway the percentage of Sikhs is 8.39. It is not possible to make a similar comparison with regard to Sikhs in the superior services, since officers in those services are liable to transfer to any of the State-managed Railways. But taking the superior services of those Railways together,

out of 363 Indian officers, 13, or 3.6 per cent. are Sikhs. If all these Sikh officers were posted to the North Western Railway, they would represent 10.4 per cent. of the Indian officers on that Railway.

SAFEGUARDING THE INTERESTS OF SIKHS IN RETRENCHMENTS ON THE NORTH WESTERN RAILWAY.

220. ***Sardar Sant Singh** : (a) Has the principle of safeguarding the interest of minority communities been followed in the case of recent retrenchment on the North Western Railway ?

(b) Is it a fact that the Agent of the North Western Railway has issued instructions to safeguard the interest of the Sikhs when deciding to reduce or retrench posts on the North Western Railway ?

(c) If so, has that principle been actually put into practice ?

Mr. A. A. L. Parsons : (a) to (c). Yes.

SAFEGUARDING THE INTERESTS OF SIKHS IN RETRENCHMENTS ON THE NORTH WESTERN RAILWAY.

221. ***Sardar Sant Singh** : (a) Is it a fact that the percentage of Sikh officers on the North Western Railway comes to 3.32 and in the Engineering Department it is only 4.62 ?

(b) Is it a fact that after the retrenchments that have been carried out the percentage of Sikh officers on the North Western Railway has been reduced to 2.69 on the whole and to 3.98 in the Engineering Department only ?

Mr. A. A. L. Parsons : (a) and (b). The percentage of Sikh officers on the North-Western Railway, after the retrenchment so far carried out, is 2.58 as against 2.54 on the 1st March 1931. The corresponding figures for the Engineering Department are 4.09 and 4 per cent., respectively.

RETRENCHMENT ON THE NORTH WESTERN RAILWAY.

222. ***Sardar Sant Singh** : (a) Will Government be pleased to state from what date retrenchment began on the North Western Railway and what departments have been affected thereby ?

(b) What is the number of persons that have come under retrenchment and what is the saving effected thereby ?

(c) Will Government kindly place the figures in a tabular form showing the number of Hindus, Muhammadans, Sikhs, Anglo-Indians and Europeans brought under reduction in various departments of the North Western Railway together with their pay and allowances ?

(d) What was the total strength of each community in these departments before retrenchment ?

Mr. A. A. L. Parsons : (a) From March 1931—All departments have been affected.

(b), (c) and (d). A statement giving all the information that is available is being sent to the Honourable Member. The total saving in a full year is estimated at about Rs. 32 lakhs.

ABOLITION OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

223. ***Sardar Sant Singh** : (a) Is it a fact that Travelling Ticket Examiners of the North-Western Railway form a separate cadre in the Traffic Department on the Audit List ?

(b) If so, what salaries are paid to the members of this cadre and what are the rates of allowances paid to them ?

(c) Is it a fact that the Travelling Ticket Examiners' cadre of the North Western Railway has been abolished altogether ?

(d) If so, how many of them have been brought under reduction and how many of them have been forced to accept posts of Special Ticket Examiners ?

(e) Will Government be pleased to state the number of Europeans, Anglo-Indians, and Indians employed in the above cadre ?

Mr. A. A. L. Parsons : (a) No.

(b) Does not arise.

(c) Yes.

(d) All have been brought under reduction. None of them have been forced to accept posts of Special Ticket Examiners, but some have accepted such posts.

(e) Government have no information.

NON-RETRENCHMENT IN THE SALARIES OF GUARDS AND DRIVERS ON THE NORTH WESTERN RAILWAY.

224. ***Sardar Sant Singh** : (a) Will Government be pleased to state the number of Europeans employed in A, B, C, or special class as guards and drivers on the North Western Railway ?

(b) Will Government be pleased to give the number of Indians employed as such on the North Western Railway ?

(c) Has the retrenchment touched this department of the North Western Railway ? If so, to what extent ?

(d) Are Government aware that an impression is abroad that on account of the majority of the Europeans being in this cadre, retrenchment has not been effected in this department ?

(e) Will Government kindly state the reasons why retrenchment in the salaries and allowances of guards and drivers has not so far been carried out ?

Mr. A. A. L. Parsons : (a) and (b). A statement giving the required information is laid on the table.

(c) Yes. 115 guards and 121 drivers have been brought under reduction.

(d) No.

(e) Staff retrenchment has hitherto been in the direction of cutting out surplus posts, but actually the allowances earned by guards and drivers have decreased as a result of the reduction in train mileage.

Statement showing the number of European and Indian guards and drivers in the various grades on the North Western Railway.

	Grade IV.	Grade III.	Grade II.	Grade I.	Total.
European Guards ..	65	22	3	..	90
Indian Guards	107	321	673	76	1,177
European Drivers ..	113	16	..	..	129
Indian Drivers	30	40	59	491	620

SPECIAL AND TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

225. ***Sardar Sant Singh** : (a) Is it a fact that Travelling Ticket Examiners have been an earning department of the Railway, whereas the Special Ticket Examiners have been a burden to the Railway Administration ?

(b) Will Government be pleased to lay on the table letter No. 501-P.S.T.-31-Comml., dated the 16th May 1931, from the Agent, North Western Railway, to all Divisional Superintendents, inquiring as to the earnings of each Special Ticket Examiner and the replies received from each Divisional Superintendent ?

(c) Is it a fact that the Divisional Superintendent, Lahore, has abolished Special Ticket Examiners' posts on account of their being unprofitable ?

(d) Will Government kindly state the reason why the Special Ticket Examiners' posts which form a temporary cadre, have not been abolished in place of the Travelling Ticket Examiner's cadre which is a permanent cadre ?

(e) What is the total cost of the Special Ticket Examiner's cadre and what will be the savings effected by abolishing it ?

Mr. A. A. L. Parsons : (a) No.

(b) Government do not propose to lay the correspondence on the table.

(c) No.

(d) The posts of Travelling Ticket Examiners were abolished as they were considered superfluous.

(e) The total average cost including Travelling Allowance of Special Ticket Examiners prior to the abolition of the cadre of Travelling Ticket Examiners was approximately Rs. 8,000 per mensem.

CONVERSION OF TRAVELLING TICKET EXAMINERS INTO SPECIAL TICKET EXAMINERS.

226. ***Sardar Sant Singh** : (a) Is it a fact that by conversion of Travelling Ticket Examiners into Special Ticket Examiners there is a loss

of 50 to 70 per cent. in emoluments and privileges to each member of the cadre ?

(b) Is it a fact that strong representations have been made by influential gentlemen and bodies against this action of the Railway authorities ?

(c) If so, what steps have Government taken so far in removing these grievances ?

Mr. A. A. L. Parsons : (a) The emoluments of Special Ticket Examiners are undoubtedly lower than those of Travelling Ticket Examiners, but the difference is not as large as the Honourable Member suggests.

(b) Yes.

(c) The representation is under consideration.

REDUCTION OF ALLOWANCE OF TRAIN RUNNING STAFF TO PRE-WAR RATES.

227. ***Sardar Sant Singh :** (a) Will Government kindly state the savings that would be effected on the North Western Railway by bringing the allowances of all the members of the train running staff to the pre war rates ?

(b) Are Government prepared to take the above step ? If not, why not ?

Mr. A. A. L. Parsons : (a) and (b). The question of revising the allowances of the Running Staff is under investigation. In the meantime Government do not think it would serve any useful purpose to collect the information required.

PAY OF TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

228. ***Sardar Sant Singh :** (a) Is it a fact that according to Fundamental Rules, no combination of duties of Government employees can be effected which adversely affect the emoluments of employees until and unless they are guaranteed at least the same salaries and allowances which were enjoyed by them before the combination ?

(b) If so, is it not a fact that Travelling Ticket Examiners on the North Western Railway have been forced to perform the combined duties of Travelling Ticket Examiners and Special Ticket Examiners with the same rates of pay and allowances as are paid to the Special Ticket Examiners ? If so, does it not contravene the above Fundamental Rule ?

(c) If so, do Government propose to remove such breach of rule ?

Mr. A. A. L. Parsons : (a) No.

(b) and (c). Do not arise.

REDUCTION OF FREIGHT ON WHEAT FROM THE PUNJAB TO CALCUTTA.

229. ***Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state whether they are aware of any agitation in the Punjab, or any application made for reduction in freight on wheat from Punjab to Calcutta ?

(b) If the reply to part (a) be in the affirmative, did the Railway Board give any consideration to those and reduce the freight ?

(c) If the reply to part (b) be in the negative, was it not in consequence of this that Calcutta was compelled to get Punjab wheat through Karachi by sea, rather than from the Punjab direct by railway ?

(d) Are Government prepared to direct that the Railway Board should reduce the freight on wheat from the Punjab to Calcutta ?

Mr. A. A. L. Parsons : (a) Representations for a reduction in railway freight rates on wheat from the Punjab to Calcutta were received by the Railway Board.

(b) The reply to the first part is in the affirmative and to the second part in the negative.

(c) and (d). Railway freight rates on wheat from the Punjab to Karachi were reduced from the 15th May 1931, and a further reduction was made from the 20th June 1931, in both cases to stimulate exports out of India. Large stocks of wheat have been railed to Karachi at these reduced rates, for which no markets outside India could apparently be found. Selling pressure to reduce stocks at Karachi and a lowering of the sea freight from Karachi to Calcutta have enabled wheat importers at Calcutta to obtain supplies from Karachi, and as the reduced rates on wheat from the Punjab to Karachi operate only up to the 14th September, 1931, it is not considered that a reduction in railway freight rates from the Punjab to Calcutta would arrest the movement of wheat from Karachi to Calcutta.

Mr. K. Ahmed : Will Government be pleased to state the difference in price per maund of wheat sold in the market of Lahore and the Australian wheat sold in the town of Calcutta ?

Mr. A. A. L. Parsons : I am afraid I must ask for notice. I have not got the figures with me.

Mr. K. Ahmed : In view of the fact that the Honourable Member representing the Railway Department did not enter into the question and has not got the figures as is admitted by him, will Government be pleased to take up the matter seriously and give relief to the people of India and see that Punjab wheat is sold cheaper in Calcutta than Australian wheat by reducing the freight if possible, and thereby making a profit for the Indian exchequer ?

Mr. A. A. L. Parsons : I can assure the Honourable Member that the Department I am representing does take the question very seriously and the possibility of stimulating both our traffic and the sale of wheat is constantly under our examination.

Mr. G. Morgan : Will the Honourable Member kindly state whether Calcutta is buying wheat from Karachi by sea as against railway import ?

Mr. A. A. L. Parsons : That is what I said in answer to the main question.

Seth Haji Abdoola Haroon : Will the Honourable Member kindly repeat his answer to clause (d) ?

Mr. A. A. L. Parsons : I said, it is not considered that a reduction in railway freights from the Punjab to Calcutta would arrest the movement of wheat from Karachi to Calcutta.

We left it to the Agent of the East Indian Railway in consultation with the Agent of the North Western Railway, to decide whether any reductions which we could make would have the result of getting more wheat moved over the East Indian Railway from the Punjab to Calcutta. After consultation, the Agents came to the conclusion that no feasible reduction would actually effect that result.

**ACCOUNTANTS APPOINTED TO THE STATE RAILWAY ACCOUNTS
DEPARTMENT.**

230. ***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state the total number of accountants grades I and II (permanent, temporary and officiating) appointed to the State Railway Accounts Department to date ? (The number should include men appointed in the East Indian Railway Accounts Branch and in the Railway Clearing Accounts Office from the time these offices came under the control of Financial Commissioner of Railways and should exclude passed accountants taken from the Railway and other Audit Departments.)

(b) How many of these men appointed by the Accounts Department were passed accountants at the time of their appointment ?

(c) How many of those not qualified have, since their appointment, passed Part II of the Railway Audit Examination or Appendix D examination of the Accounts Department ?

(d) What was the total number on the 1st April 1931 of accountants grade I and II (permanent, temporary and officiating) in all offices under the Financial Commissioner, Railways, who had not passed either the Appendix D examination or Part II of the Audit Department examination ?

(e) Will Government please state if it is a fact that in Civil Audit and Accounts Offices under the control of the Auditor General and in Military Accounts Offices, the appointment as accountant of a person who has not passed the Subordinate Accounts Service examination is a very rare occurrence ?

(f) Will Government please state if the appointment of a large number of unpassed accountants in the Railway Accounts Department and the continued retention of these unpassed men has in any way impaired the efficiency of the Department ?

Mr. A. A. L. Parsons : (a) 164.

(b) 60.

(c) and (d). 93 have been exempted from passing the examination either because they have been working as Accountants under the rules in force on the Great Indian Peninsula, East Indian and Burma Railways during the days of Company-management or because they were actually holding posts of accountants before the separation was adopted as a permanent measure. Of the remainder, one has passed Appendix D examination of the accounts department and 10 have not passed yet.

(e). Yes.

(f) No.

**APPOINTMENT OF MUSLIMS AS ACCOUNTANTS IN THE STATE RAILWAY
ACCOUNTS DEPARTMENT.**

231. ***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state if it is a fact that there are some Muslims who have passed the highest departmental examination, namely, Appendix D examination of the State Railway Accounts Department, but that they have not been made grade I accountants, while there are a large number of Hindu accountants who have not passed the examination ?

(b) Do Government propose to appoint passed Muslims to the posts of accountants in preference to unpassed Hindus ?

(c) Is it a fact that in the Railway Accounts Department a large number of unpassed men have been appointed as accountants grade I and II ? Are Government prepared to follow that precedent and to relax the condition about the examination in favour of Muslims and appoint them as accountants ?

Mr. A. A. L. Parsons : (a) Some Muslims who have passed the Appendix D examination have not yet been promoted to grade I of accountant. This is also true of Hindus. The position is that there are other classes of men eligible for such appointment besides those who have passed the Appendix D examination, viz., employees of the old companies of the Great Indian Peninsula, East Indian and Burma Railways, who have risen to the position of Accountants under the rules formerly in force on those railways ; men recruited as temporary accountants in the separated accounts offices during the experimental period of the separation scheme ; probationary accountant recruited from outside ; and men who have passed from the Calcutta Training School.

(b) and (c). As I have explained, the passing of the examination is not the sole avenue for appointment as accountant. Government are not prepared to alter the existing arrangements.

**APPOINTMENT OF MUSLIMS AS ACCOUNTANTS AND AUDITORS IN AUDIT
AND ACCOUNTS DEPARTMENTS.**

232. ***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state if it is a fact that Muslim clerks are available in Railway, Civil, Posts and Telegraphs and Military Accounts Offices who have passed the examination qualifying for promotion to the rank of accountant ?

(b) Are Government prepared to consider the question of appointment of passed Muslims to the posts of accountants and auditors in the Audit and Accounts Departments in preference to passed Hindus and thus remove the existing preponderance of the majority community in these services ?

(c) Are Government prepared to order that in all Audit and Accounts Departments a reasonable percentage of the posts of accountants shall be reserved for qualified Muslims ?

The Honourable Sir George Schuster : (a) Yes.

(b) and (c). Promotion to the accountants' grade of clerks who have passed the prescribed examination is governed by seniority and merit, and not by communal considerations. It is not consistent with this policy to accord preferential treatment in the matter to any particular community.

**EMPLOYMENT OF MUHAMMADAN CLERKS IN THE ENGINEERING BRANCH
OF THE POSTS AND TELEGRAPHS DEPARTMENT.**

233. ***Honorary Lieut. Nawab Muhammad Ibrahim Ali Khan** (a) With reference to the information supplied to me by Government in reply to my starred question No. 923, on the 13th March 1931, will Government be pleased to state how many Muhammadan clerks have been employed in the Engineering Branch of the Posts and Telegraphs Department since 1924 up to the end of 1930?

(b) Is it a fact that out of the total number of 300 clerks, there is a very small number of Muhammadans?

(c) Are Government prepared to pay due consideration to the case of the Muhammadan clerks in the said Department, in the coming retrenchment?

Sir Hubert Sams : (a) and (b). The recruitment in the period 1924—1930 was, as previously intimated to the Honourable Member, 4 Muhammadans and 300 others.

(c) Yes.

**ABOLITION OF THE POST OF PUBLIC HEALTH COMMISSIONER WITH THE
GOVERNMENT OF INDIA.**

234. ***Rai Sahib Harbilas Sarda :** (a) Will Government be pleased to state if the Inchcape Committee had recommended the abolition of the post of the Public Health Commissioner with the Government of India?

(b) If so, will Government be pleased to state why the post has not yet been retrenched and also why the grade of the post has been raised from that of a Colonel to that of a Major-General with its higher emoluments?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Inchcape Committee recommended the amalgamation of the post of Public Health Commissioner with that of the Director-General, Indian Medical Service.

(b) The recommendation was not accepted, in view of the very great importance of the duties of the post of Public Health Commissioner which were considered to necessitate its continuance as a separate post. It is not a fact that the post has been raised from the grade of Colonel to that of Major General with higher emoluments. It carries a rate of pay which was fixed in March, 1921, and has not been altered since, though the present incumbent was promoted in 1929 to the supernumerary rank of Major-General, with consequent title to higher pension, as would otherwise have been necessary to make him available for the post of Surgeon General, Bombay, which carries with it Major General's rank.

Rai Sahib Harbilas Sarda : Does the present gentleman, who is Major General, draw the same pay as a Colonel would have been entitled to draw?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I am afraid I must ask for notice. I do not very well know the pay of these officers.

ATTENDANCE OF THE PUBLIC HEALTH COMMISSIONER WITH THE GOVERNMENT OF INDIA AT CONFERENCES OUTSIDE INDIA.

235. ***Rai Sahib Harbilas Sarda** : Will Government be pleased to state :

- (a) how often the Public Health Commissioner has gone out of India, either on deputation or otherwise, during the years 1929 and 1930, respectively, giving the period of his absence out of India on each occasion and the reason thereof ;
- (b) whether his duties in India are not likely to be interfered with by his frequent absence out of the country ; and
- (c) whether this officer's frequent absence out of India extends to in all over several months in the course of the year, and if so, whether Government have considered the question of retrenching his post as recommended by the Incheape Committee ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) A statement giving the information is laid on the table.

(b) The Public Health Commissioner's attendance at certain international conferences is a necessary part of his duties. During his absence his duties in India are attended to by an Assistant Director-General, Indian Medical Service, who is a senior officer with special sanitary qualifications, in consultation with the Director-General, Indian Medical Service.

(c) The Honourable Member is referred to the answer to part (a) above and also to the reply given to his question No. 234. Government do not consider it feasible to retrench the post.

Statement showing the deputations of the Public Health Commissioner out of India during the years 1929 and 1930.

Year.	No. of deputations.	Period of absence on each occasion.	Place of deputation.	Reasons for absence.
1929	2	(1) 28 days ..	America ..	To arrange (in America) on behalf of the Secretary of State for India for the Rockefeller gift of 17 lakhs towards the Public Health Institute, Calcutta.
		(2) 20 days from 8th February, 1929 to 27th February, 1929.	Singapore ..	To attend a meeting of the Advisory Council of the Eastern Bureau, Singapore (as Chairman).

Year.	No. of deputations.	Period of absence on each occasion.	Place of deputation.	Reasons for absence.
1930	3	(1) One month and 8 days from 6th February, 1930 to 13th March, 1930.	Java ..	To attend, as Chairman, a meeting of the Advisory Council of the Eastern Bureau, Singapore, which took place in Java at the invitation of the Dutch East Indies Government.
		(2) 2 months and 25 days from 17th April, 1930 to 11th July, 1930.	Paris, Geneva and Algiers.	Deputation to the Office International d'Hygiene Publique in Paris, and Health Committee Geneva, and to the International Malaria Conference at Algiers.
		(3) One month and 4 days from 28th November, 1930 to 31st December, 1930.	Bangkok and Singapore.	Deputation to Far Eastern Association of Tropical Medicine Congress, the Leprosy Commission of the League of Nations at Bangkok and to the Advisory Council, Singapore

Note.—1930 was exceptional in that two annual meetings of the Singapore Advisory Council were held in one calendar year (January and December); the International Malaria Conference and the two meetings at Bangkok were all extraordinary meetings. These were timed to follow each other so as to allow of attendance within as short a period as possible.

ATTENDANCE OF THE PUBLIC HEALTH COMMISSIONER WITH THE GOVERNMENT OF INDIA AT CONFERENCES OUTSIDE INDIA.

236. ***Rai Sahib Harbilas Sarda** : Will Government be pleased to state :

- (a) if it is absolutely necessary for the Public Health Commissioner personally to attend various International Conferences outside India, which he has been doing at present ;
- (b) whether it is not possible to depute officers either under Central or Local Governments, or local bodies, or members of the independent medical profession, to attend such Conferences in the same way as is the case in the matter of the Indian representation at the annual sessions of the League of Nations or of the International Labour Conference at Geneva ; and
- (c) whether Government propose to consider the advisability of not deputing the same officers to the International Conferences and of deputing members of the independent medical

profession to attend the international conferences on health matters ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Public Health Commissioner's presence at certain International Public Health Conference is very desirable in the interests of the continuity of India's representation, and is from time to time essential in the case of Committees of which he is personally a member.

(b) Officers other than the Public Health Commissioner already from time to time attend these Conferences.

(c) The Honourable Member is referred to the reply which I have already given to (a) and (b). I would add that at meetings at which local Governments are represented, the representatives chosen are not always the same. There is nothing to prevent any accredited organisation of the Indian Medical profession from sending members to such conferences, when the invitations which have been issued regarding them admit of such a step.

Rai Sahib Harbilas Sarda : Will Government consider the advisability of sending along with the Health Commissioner members of the independent medical profession also to these conferences ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Does the Honourable Member ask that question on the assumption that private institutions will be prepared to pay their own expenses ?

Mr. K. Ahmed : In view of the fact that non-official medical practitioners with all-India experience are not available for the purpose, and in view of the fact that the answer has already been given by the questioner himself in this question, do Government consider that his question No. 235 is superfluous for the purposes of the questioner ?

(No answer was given.)

CONSTITUTION OF THE GOVERNING BODY OF THE INDIAN RESEARCH FUND ASSOCIATION.

237. ***Rai Sahib Harbilas Sarda :** (a) Will Government be pleased to state (i) if they have come to any conclusion with regard to the constitution of the Governing Body of the Indian Research Fund Association, and (ii) if not, whether they intend to give due weight to the recommendation in this connection of the Conference held at Simla on the 21st and 22nd July, 1930, of the representatives of Government, the Central Legislature, the Medical Faculties, the Indian Medical Association and non-medical scientists, and enlarge the representation of the Medical Faculties, the independent medical profession and of non-medical scientists on that body as recommended at that Conference ?

(b) Will Government be further pleased to state when they intend to bring the matter up for the consideration of this House ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) (i). Government have not yet reached final decision on the recommendation made by the Conference held at Simla in July, 1930, with regard to the constitution of the Governing Body of the Indian Research Fund Association.

(ii) Very considerable weight is bound to be attached to the recommendations made by the Conference on this subject.

(b) The question of principle being settled, it seems hardly necessary to have the details of constitution of the Governing Body of the Indian Research Fund Association discussed by the House.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

238. *Sardar Sant Singh : Are Government prepared to appoint a non-official committee to inquire into the grievances of the grantees of land of Sargodha Circle ?

Mr. G. M. Young : The answer is in the negative. The matter was fully enquired into by the Punjab Government in 1929 through a Committee consisting of three officials and of one non-official member of the Legislative Council representing the Shahpur district. As a result of this enquiry, rules were framed by the Local Government in 1930, for the guidance of officers in dealing with breaches of the conditions on which the horse breeding tenancies were held. Government are not aware of any grievance among the horse breeding grantees in the Shahpur area, since these rules were framed.

Sardar Sant Singh : If I supply the Honourable Member with affidavits of the persons who have suffered at the hands of this Remount Officer, will he agree to hold an inquiry into these grievances ?

Mr. G. M. Young : If the Honourable Member supplies me with such documents, I will give them the fullest consideration.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

239. *Sardar Sant Singh : (a) Is it a fact that some grants of Ghoripals have been temporarily resumed by Government in Sargodha Circle ?

(b) If so, were any arrangements made for the maintenance of the Ghoripals ?

(c) Was any punishment, other than resumption, inflicted to the defaulters previous to resumption of grants ?

(d) Is there any case where the whole grant of land was temporarily resumed at the instance of the District Remount Officer ? Who passed the final orders ? If so, under what rule ?

Mr. G. M. Young : (a) A few partial resumptions have been effected by the Local Government.

(b) Yes. In cases of partial resumption half the grant is retained by the grantee.

(c) Yes. It is the practice to issue many warnings and, generally, to inflict fines, before resorting to partial resumption.

(d) There is no record of any such case in the Shahpur Area.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

240. *Sardar Sant Singh : (a) Are the Ghoripals of Sargodha Circle entitled to get a copy of the report and the final orders of the Deputy Commissioner on the same ? If not, why not ?

(b) Is it a fact that Ghoripals are not given copies of remarks made by the District Remount Officer about their mares, when on inspection?

Mr. G. M. Young : (a) Yes, on payment of the prescribed fees.

(b) Copies are not ordinarily given, as many of the breeders are illiterate; but the remarks are always communicated to them.

Sardar Sant Singh : May I know why copies are not supplied to the person who suffers from that order?

Mr. G. M. Young : I think that if he applied for a copy, probably he would get a copy; as I say many of them are illiterates and there is no use providing them with copies.

Mian Muhammad Shah Nawaz : And if they apply for copies through their legal practitioner or any authorised person who is literate?

Mr. G. M. Young : As I say, I think if he wishes for a copy he would probably get it.

Mian Muhammad Shah Nawaz : So far we have not got it, I know.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

241. ***Sardar Sant Singh :** (a) Is it a fact that from one Chak on the Upper Jhelum Canal Colony, the District Remount Officer purchased all the mares from the Ghoripals at a nominal price ranging between Rs. 200 and Rs. 300, and sold the same at prices varying from Rs. 700 to Rs. 1,000 to other Ghoripals?

(b) If so, who pocketed the profits on the sale of these mares?

(c) Are there any rules authorising the District Remount Officer to purchase the mares of the Ghoripals and then sell them at profit?

Mr. G. M. Young : (a) No, Sir, the Honourable Member has been misinformed. Certain horse-breeders had lost their standing crops through a hail storm and applied to the District Remount Officer for assistance. The only assistance that could be given was to allow them, as a special concession, to sell their branded mares to other breeders in the Shahpur area and to replace them by purchasing under-age fillies. This concession was much appreciated by the breeders. The average price realized for the mares was Rs. 460. The District Remount Officer had no concern whatever in the actual sales.

(b) The Ghoripals receive the proceeds.

(c) No, Sir. Nor does the District Remount Officer ever do so.

Sardar Sant Singh : Will the Honourable Member be pleased to consider the cases if I were to submit to him the affidavits of the parties who have suffered on this account?

Mr. G. M. Young : Certainly.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

242. ***Sardar Sant Singh :** (a) Is it a fact that the District Remount Officer of Sargodha Circle purchased a mare from one Quazi, a resident

of Chak No. 40-N. B. for Rs. 250 and sold the same 20 days later for Rs. 700 to Lal Khan of Chak No. 88-S. B. ?

(b) If so, what power had the Army Remount Officer to purchase and sell the mare ?

Mr. G. M. Young : (a) No, Sir.

(b) Does not arise.

Sardar Sant Singh : May I know the source of information of the Honourable Member when he says " No " to this question ? Did he get his information from the Remount Officer himself or from the person mentioned in the question ?

Mr. G. M. Young : From the District Remount Officer.

Sardar Sant Singh : When the grievance is against that gentleman, how can he be supposed to say " Yes " ?

Mr. G. M. Young : He is the only person from whom I have the means of inquiring. If the Honourable Member gives me further information on the subject, I will make further inquiry.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

243. ***Sardar Sant Singh :** (a) Is it a fact that the Army Remount Department temporarily resumed the lands of Kartar Singh, minor of Chak No. 48-N. B. and Raja Mohd. Niwaz Khan of Chak No. 156-N. B., Sargodha Circle, and leased them while the cost of mare-breeding was borne by the above two gentlemen ?

(b) Who got the lease money in these two cases ?

(c) Is not the cost of breeding the mare a burden on the land ?

(d) If reply to part (c) be in the affirmative, why is not the lease money paid to the above two gentlemen ?

Mr. G. M. Young : (a) No, Sir. The Army Remount Department does not resume horse-breeding grants. In cases of temporary resumption, the cost of maintaining the brood mares is borne by the lessees and not by the persons whose grants have been partially resumed.

(b), (c) and (d). The case concerns the Local Government, to whom a copy of this question and answer is being sent.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

244. ***Sardar Sant Singh :** (a) Is it a fact that the fillies of ages between 10 and 18 months are either purchased by the Army Remount Department or are permitted to be sold ?

(b) If so, why the fillies of mares belonging to Rahim Bux and Nur Din of Chak No. 40-S. B., Kehar Singh of Chak No. 34-S. B. and several others have neither been purchased by the Department nor have they been permitted to dispose of their fillies ?

Mr. G. M. Young : (a) Yes.

(b) The Honourable Member has been misinformed. The owners mentioned were given permission to sell their fillies on the 5th October, 1928.

Sardar Sant Singh : May I know again if the answer given in reply to part (b) of this question is based on information received from the Remount Officer himself or from the persons aggrieved ?

Mr. G. M. Young : It is taken from the records of the Circle.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

245. ***Sardar Sant Singh :** (a) Will Government kindly state the number of mares sold by Dhira Singh of Chak No. 45-N. B., Aga Vosat Ali Khan, M. Alam Sher, Indian Officer and Assistant Superintendent of the Army Remount Department, Imam Din of Chak No. 98, Abdullah Khan of Chak No. 96 during the last five years ?

(b) Wherefrom did these persons get all these mares ?

(c) Is it a fact that these persons are acting as agents of the District Remount Officer for purchasing and selling mares and making profits out of them ?

Mr. G. M. Young : (a) No such person as Dhira Singh of Chak No. 45 N. B. is traceable.

Risaldar-Major Malik Alam Sher is not a horse-breeder.

Khan Sahib Agha Woosat Ali Khan sold 30 mares, Imam Din 2 mares and Abdulla Khan none.

(b) 31 out of these 32 mares were bred in the horse-breeding grants of their owners.

(c) No, Sir.

HORSE-BREEDING IN THE SARGODHA CIRCLE.

246. ***Sardar Sant Singh :** (a) Is it a fact that instances have occurred where fines were inflicted on the Ghoripals without giving them a notice of the breach of conditions for which the fines were inflicted and without giving them an opportunity of being heard in defence ?

(b) If so, will Government kindly state the rules or conditions on which such orders are based ?

Mr. G. M. Young : (a) The matter concerns the Local Government, but the Government of India have no reason to suppose that the facts are as stated.

(b) Does not arise.

APPOINTMENT OF MOSLEMS AS INCOME-TAX OFFICERS.

247. ***Mr. M. Maswood Ahmad** (on behalf of Maulvi Muhammad Shafee Daoodi) : (a) Are Government aware that out of eighteen Income-tax Officers and three Assistant Income-tax Officers in the Province of Bihar and Orissa there are only two Moslem officers in the Province ?

(b) Will Government be pleased to state the number of Income-tax Inspectors in the Province, and out of them how many are Moslems ?

(c) Will Government also be pleased to state if there are any Moslem Assistant Commissioners of Income-tax in the Province of Bihar and Orissa ?

(d) Are Government prepared to enhance the Moslem element ?

The Honourable Sir George Schuster : (a) Yes.

(b) There are eleven Inspector-Accountants, of whom two are Muhammadans.

(c) There are no Muhammadan Assistant Commissioners of Income-tax in the province.

(d) All heads of Departments are aware that the Government attach importance to the observance of their instructions regarding the necessity of securing that members of no community should have an undue preponderance in the services.

MUSLIM REPRESENTATION IN GOVERNMENT DEPARTMENTS IN THE NORTH-WEST FRONTIER PROVINCE.

248. ***Mr. S. C. Mitra** (on behalf of Maulvi Muhammad Shafee Daoodi) : (a) Will Government please state whether there are any orders to the effect that a minimum figure of 60 per cent. Muslim representation in the various Government Departments in the North-West Frontier Province will be maintained in view of the fact that they constitute over 95 per cent. of the whole population ?

(b) If so, will Government please state whether such orders have actually been brought into force in the North-West Frontier Province ?

(c) Will Government please lay on the table a statement of figures, according to Departments, showing in detail the total strength of Muslims, non-Muslims, superior and inferior, prior to these orders and after they had been in force in the North-West Frontier Province ?

Mr. E. B. Howell : (a) No such orders have been issued, but full consideration is being given to the claims of the increasing number of educated Muslim residents of the province.

(b) and (c). Do not arise.

MUSLIM REPRESENTATION IN PAY AND ACCOUNTS AND AUDIT OFFICES IN THE NORTH-WEST FRONTIER PROVINCE.

249. ***Mr. S. C. Mitra** (on behalf of Maulvi Muhammad Shafee Daoodi) : (a) Is it a fact that the Muslim representation in the ministerial staff of the Pay and Accounts and Audit Offices, North-West Frontier Province, is 43 per cent. ?

(b) If so, what measures are being adopted to raise this percentage to 60 ?

(c) Is it a fact that the scheme of re-amalgamation of Audit and Accounts will be operative in the North-West Frontier Province also ?

(d) If so, will Government please state whether any orders have been issued to revert, reduce or repatriate the non-Muslims only with a view to maintain the minimum figure of 60 per cent. Muslim representation ? If not, why not ?

(e) Will Government please state what steps have been or will be taken to safeguard the rights of Frontier recruits at the time of curtailment, reduction or reversion of establishment on the occasion of amalgamation of the Pay and Accounts and Audit Offices in the North-West Frontier Province ?

The Honourable Sir George Schuster : (a) The Muslim representation in the Pay and Accounts and Audit Offices is 45 per cent.

(b) When vacancies arise, larger recruitment is made from the Muslim community than from other communities.

(c) A combined audit and accounts office will shortly be instituted in the North-West Frontier Province.

(d) and (e). The question is under careful consideration, but no final action has yet been taken.

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of Government business in the week beginning Monday, September 14th. The time for Monday's sitting will be appointed by you, Sir. The first item will be the resumption of the debate on the motion to refer the Press Bill to a Select Committee if it is not disposed of to-day. Thereafter motions will be made to take into consideration, and if those motions are accepted, to pass the following Bills :—

- (1) A Bill further to amend the Indian Mines Act, 1923, for a certain purpose.
- (2) A Bill further to amend the Indian Succession Act, 1925, for a certain purpose.
- (3) A Bill to extend the powers of the Sheriff of Calcutta to hold persons in lawful custody.
- (4) A Bill to amend the Aligarh Muslim University Act, 1920, for certain purposes.
- (5) A Bill to amend the Land Customs Act, 1924, for a certain purpose.
- (6) A Bill to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Governments of foreign States.
- (7) A Bill to provide for the protection of the heavy chemical industry.
- (8) A Bill to amend the Provisional Collection of Taxes Act, and
- (9) A Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes.

On Wednesday, the 16th, the House will proceed to elect members to serve on the Standing Committee for the Department of Industries and Labour. Thereafter any business left over from Monday's list

[Sir George Rainy.]

will be taken, and this will be followed by the resumption of the discussion on the motion to refer to Select Committee the Indian Income-tax (Amendment) Bill, in connection with which the Honourable the Finance Member asks me to say that if that motion is accepted he does not propose to proceed further with the Bill this session. If time permits certain supplementary demands in connection with the resumption of the Round Table Conference will be placed before the House. Honourable Members are aware that Tuesday, the 15th, is a non-official day for Bills and Thursday, the 17th, a non-official day for Resolutions.

I am not yet in a position to say what day Government will ask the Governor General to allot for the non-official business which was on the agenda paper of Tuesday of this week. The decision will depend on the progress made by the House with Government business.

THE INDIAN PRESS BILL.

The Honourable Sir James Oerlar (Home Member) : Sir, I move that the Bill to provide for the better control of the Press be referred to a Select Committee consisting of Mr. B. R. Puri, Mr. C. S. Ranga Iyer, Mr. Arthur Moore, Sir Abdullah Suhrawardy, Dr. F. X. DeSouza, Mr. A. Hoon, Rao Bahadur S. R. Pandit, Sir Abdur Rahim and the Mover, with instructions to report on or before the 18th September 1931, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

Sir, it is with a very deep sense of the gravity of the occasion and of the issues which it is my duty to lay before the House that I move this motion. I am confident that that will also be fully appreciated in every part of the House, that the proposals which I have to make will be carefully, calmly and impartially considered, and that the principle which I will ask the House to affirm will receive the greatest possible measure of support. There was no desire on the part of Government so far as it could be avoided, to introduce any proposals which might involve serious controversy, and I hope that so far at any rate as the principles and the main purposes of this Bill are concerned they will not be regarded as controversial. The situation is one of great and increasing gravity. Public opinion has been deeply and justly shocked by the unhappy prevalence and the serious extension of terrorist crime. Public opinion is insistent in its demand for a remedy. That public opinion I hope and I am confident, will be fully reflected in the attitude and the decisions of this House. However that may be, Sir, the situation with which the country and the Government are confronted leaves Government no option. It was impossible for them to sit idle and inactive when they were confronted not only with this just and proper movement of public opinion, but what is even more important, with the essential facts of the situation themselves. It is on these grounds, Sir, that I found it my duty to move this motion, and I should like to remind the House that in times past when questions relating to the public security have come under its consideration, it has been our frequent experience on this side of the House to hear assurances from Honourable Members opposite that this House when approached by

Government will never fail to provide Government with powers adequate to the requirements of any emergency that may arise. To-day, Sir, and in the course of the discussion on this Bill I expect with confidence that Honourable Members opposite will give us a fulfilment of those assurances.

There are, Sir, two points which I wish to make perfectly clear at the outset, though I should have hoped there was not any very great possibility of misapprehension. And the first point which I wish to make is this, that this Bill does not constitute, is not intended in any way, as an indictment of the Press as a whole, or as any reflection upon a great and honourable profession. We have, Sir, several eminent journalists in this House. We have recently had occasion to deplore the death of one of them, and I desire to take this occasion to associate myself with the expressions of regret which recently found utterance in this House, and my particular regret is that the wisdom and experience of the late Mr. K. C. Roy will not be available for our discussions on this measure. Nevertheless, Sir, we have, as I said, the good fortune to have more than one member of that distinguished profession in our midst, and I desire, if any assurance is necessary, to give them my most sincere assurance, which I trust will be accepted by them with equal sincerity, that this Bill is in no way intended as any reflection upon their profession. (Applause.) The Press, Sir, discharges a function in the State which cannot be dispensed with. Whether it be the instruction of the public, the formulation of public opinion or the reasoned criticism of public activities or the policy of the Government, they perform an inestimable part in public life. At the present moment, more particularly, when great constitutional issues are under consideration we must look to the Press to discharge its function as the fourth estate in the realm. I trust, Sir, that I need say nothing further on that point. But I do desire to acknowledge the fact that many organs of the Press have taken reasoned and public spirited view of the issue which is really at the basis of my Bill to-day, have thrown their weight with justice, wisdom and sobriety upon the right side, and so far as the species of activity against which this Bill is directed are concerned, they have not only dissociated themselves from them but severely condemned them. I wish to make that acknowledgment here and now, because I frankly recognise that it is only certain sections of the Press which are likely to come within the danger of this measure. Nevertheless, it is an important illustration of the great power of the Press that even so small and in other respects so insignificant a section can constitute so great a public danger.

The second point which I wish to emphasise is that this Bill is very narrow and restricted in its range. The Government have not sought to go one inch beyond the actual necessities of the case. Though the emergency is grave, we have deliberately sought to restrict ourselves to the minimum requirements of the case. We have kept in view the immediate objective. We have not sought under colour of that objective to extend in any other way the scope of executive action, to restrain the liberty of the subject, or to endanger the freedom of speech or of writing. The Bill is restricted to incitements to and encouragement of murder and crimes involving violence, and nothing else.

[Sir James Crerar.]

I understand that some misapprehension has been caused by the common form of the Preamble of the Bill. That apprehension I hope I have now removed, but if it still remains, I should certainly be very glad to consider, indeed myself propose any necessary amendments in that part of the Bill which may be required to clear away that misapprehension.

Now, Sir, it is not my purpose now, nor have I the time to embark upon any elaborate survey of, or disquisition upon the psychology of terrorist crime. I suppose that whenever there is any great movement of public opinion there are bound to be extremists on both sides. In the majority of cases it is perhaps not an unhealthy thing that there should be extremists on both sides, and their views may contribute to the resultant decision. There may be something constructive in extreme opinions of that kind. But the great misfortune of the kind of extremism which finds its expression in terrorism is that there is nothing constructive about it; it cannot possibly be constructive. It is solely destructive, it is entirely sterile. It is a form of destruction which is self-destructive. It is an impediment to progress, and it is a reflection upon the good name of any country in which it occurs. I think these are grounds on which we shall all agree.

Nor is it my intention to inflict upon the House any history of terrorist crime in India. I only want to recite a few somewhat essential facts.

There was hardly anything in the nature of terrorist crime proper in India till towards the end of the last century. It assumed very serious dimensions between 1900 and 1912. During the War, as Honourable Members are aware, action was taken, to a large extent under the special legislation then in force, which succeeded in reducing its limits, and after the termination of the War, that continued to be the case for two or three years. But Honourable Members will remember that in 1923 there was a recrudescence of this kind of crime. I will not recite the various measures which were taken and which have been taken since to combat it. I will ask the Honourable Members to consider the sequence of a few facts which I shall place before them.

During the course of the last three years there has been an alarming increase. In the year 1929 the number of crimes of a terrorist nature amounted to 19.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non Muhammadan) : What is the page please ?

The Honourable Sir James Crerar : Page 7. In the year 1930 it amounted to 74, and up to 31st August of this year, it is no less than 118. I need not remind Honourable Members of occurrences that have taken place only in the course of the last few weeks,—the attack on the life of the Governor of Bombay, the assassination of a young military officer on the 23rd July.

Sir Hari Singh Gour : I am very sorry to interrupt the Honourable Member. There is no page 7 in the copy supplied to us.

The Honourable Sir James Orlor : I am not aware of what the Honourable Member is referring to.

Sir Hari Singh Gour : It is a copy of the statement of terrorist crime compiled from January 1929.

The Honourable Sir James Orlor : The figures are as I have stated.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : What page please ?

The Honourable Sir James Orlor : Page 7.

Mr. Gaya Prasad Singh : There is no page 7 here.

The Honourable Sir James Orlor : But I assure Honourable Members that they are the correct figures. Then, there are the murder of the late Mr. Garlick, District Judge, the attempt on the life of Mr. Cassells, the Commissioner of the Dacca Division on the 21st August, and the murder on the 30th August of Khan Bahadur Asanullah at Chittagong.

Now, Sir, that is a situation, as I say, of great and manifestly increasing gravity, and it cannot be doubted that a very important contributory cause, a factor of tremendous importance in these developments consists of incitements to murder and violent crime contained in the Press. That is a feature of the case by no means new. So long ago as 1921, the late Mr. Eardley Norton,—he was a former Member of this Assembly, and we must all deplore his death,—who had had great experience of conspiracy trials, referred in a debate in this House to the influence of the Press in securing recruits for the terrorist movement. He said :

“ I remember, when I was prosecuting for the Government of Bengal in the Alipur case, in which the pick and flower of the young, impassioned and misled Bengal youth were convicted—and justly convicted—for crimes into which they had been misled by their own Bengali Press—I well remember how youth after youth had eventually to confess that he had been practically debauched by the printed vernacular press of his own countrymen. And it was a pitiful spectacle to see those young men, who, if they were guilty, as they unquestionably were guilty, were at any rate actuated by honest motives of mistaken patriotism and succumbed to the teaching of Barindra Kumar Ghose, himself a victim to the misplaced energies of his own vernacular press.”

That aspect of the question has also found ample illustration in recent cases.

Now, I shall probably be told that Government ought to have resort to the ordinary law in the matter. It is because the ordinary law has proved entirely inadequate to deal with these forms of manifestation of crime that I am compelled to bring this measure forward before the House. I think the reasons of the inadequacy of the law have frequently been explained to Honourable Members and I do not need to recapitulate them. One point which I desire to make is this, that the ordinary law is almost entirely penal and punitive in its effect ; it is not preventive and therefore if we rely solely upon the application of the ordinary law, the mischief would be done before we apply the remedy.

There are one or two remarks which I wish to make upon the Bill itself. I do not propose at this stage to examine in detail its various provisions, because I hope that that important part of the discussion of this measure will take place most appropriately in the Select Committee

[Sir James Orerar.]

to which I have asked the House to refer the Bill, but I wish to make clear our point, and that is that the somewhat elaborate provisions of the Bill are due to two main causes. The first is that the Government were very anxious to avoid too drastic provisions. They were anxious to provide for a course of action which should attain the ultimate purposes of the Bill without too much hardship or too much inconvenience. Secondly the elaboration of the detailed provisions regarding the machinery of the Bill is to a considerable extent due to the provision of safeguards for those who might come within the operation of the Bill. What I should like to impress most strongly upon the House is that this is not a measure of repression, which it might conceivably be represented to be, but it is in essence a measure of protection. It is designed in the first instance to protect the public, to protect the officers of Government who are discharging their duties faithfully and courageously in constant peril of their lives. It is also to protect those young men themselves who are liable to be misled by the species of Press writings with which the Bill deals. It is a measure of protection to them and it is, I think, also a measure of protection to keepers of presses and editors because several times it has been urged upon my attention that in cases where objectionable matter is published, it is frequently published under duress and under intimidation. The existence on the Statute-book of this measure will at any rate afford to editors of newspapers and keepers of presses who do not desire to print such matter a good answer to those who desire to bring pressure to bear upon them. I should like to impress upon the House with all the emphasis that I can command that we are not seeking any invasion of the liberty of the subject or freedom of speech. I do not think that licence to preach or encourage murder can really come within any possible definition of liberty of the subject or freedom of speech. In truth, the activities against which the Bill is directed seem to me to be alien and repugnant alike to Indian and British tradition, to Indian and British civilisation, to the whole basis on which our joint and common conceptions of civic conduct and of the social order are profoundly based. It is sometimes said that,

“ East is East and West is West and never the twain shall meet ”.

I was never, Sir, a convinced advocate of that doctrine. There is much more common ground between us and will be in the future than the advocates of that doctrine are prepared to admit.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : East *plus* West is much the best.

The Honourable Sir James Orerar : I am indebted to the Honourable gentleman for a confirmation of the view which I was endeavouring, much less aptly, to express. What I desire to say is that whatever divergences there may be, there is really far more common ground and in the present context I think the ground is entirely common. We have a common enemy to meet and I think that we ought to meet him together. I have already referred to the many signs which, I think, are evident of a growing feeling of indignation and condemnation of the activities against which this Bill is directed and I invite Honourable Members opposite to place themselves at the head of that feeling and,

in their capacity as representatives of the public, to give it expression and to take their part in translating it into action. Secondly, this is not a responsibility which can either be fairly thrown upon or fully discharged by any public authority alone and unaided. I should be the last to deny or question or in any way to derogate from the primary responsibility of Government, but I maintain that the Government are entitled to the amplest measure of support in other quarters. We are entitled to support from the public. That we shall get it I have no doubt. We are entitled to support from the Press. We have received a great deal in the past and I am confident that we shall receive a great deal more. But above all, we are entitled to support and co-operation from the Legislature. After all, political progress means a progressive transfer of responsibility, and it can only be expected to flourish in an atmosphere and under conditions where there is a genuine will and desire to accept and shoulder that responsibility. Political progress is not merely a transfer or enlargement of rights, powers and privileges, but it also means duties and responsibilities and burdens. I think there will be perfect agreement in this House when I say that in proportion to the desire to shoulder burdens and responsibilities as well as to acquire rights and privileges, to the extent to which that spirit is prevalent in India, the extent to which it finds expression, the extent to which it is interpreted into forms of action, it is in proportion to these things that the best prospects of India's future progress and political development now, in the immediate future and in the remoter future, must inevitably depend. I appeal, Sir, to the House to show their responsibility in that sense of the word and I take this occasion of reminding them once more of those assurances which we on these Benches have in the past so frequently received that if there is a good case for granting special powers to Government and if they approach the Legislature in the normal course of legislation to receive those powers, then those powers will not be withheld. The fulfilment of that assurance, Mr. President, was never more immediately required than on this occasion.

Mr. President : Before I allow the discussion to proceed, I should like to invite the attention of Honourable Members to the fact that to-day is Friday and, following the usual practice, I adjourn the House now to a quarter past two.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President in the Chair.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : Sir, I would like to add the names of Sir Hari Singh Gour and Mian Muhammad Shah Nawaz to the list of the names for the Select Committee that have already been proposed by you.

The Honourable Sir James Crerar : I have no objection to the inclusion of these names.

Mr. President : The names of Sir Hari Singh Gour and Mian Muhammad Shah Nawaz have been, by consent, added to the names of the Select Committee.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I beg to move the motion standing in my name, namely, that the Bill be circulated for the purpose of eliciting opinion thereon. I did not fix the time-limit and I would now fix it "by the 2nd January 1932".

Sir, when I heard the Honourable the Home Member this morning, I felt that he does not stand on solid ground and therefore he seeks the assistance of the Assembly so half-heartedly and haltingly. But the Honourable the Home Member has thrown out a bait that we on this side of the House very often have assured the Government that we like to help them, to examine their measures and to assist them wherever possible. It is with that object in view that I gave notice of this motion. We want to assist the Government in the examination of the serious charges that they are laying against the Indian Press in India. Sir, first of all, I will oppose the fundamental idea which the Honourable the Home Member said was underlying the principle of this Bill. He said the underlying principle of the Bill is to suppress the terrorist movement. That might be one of the objects of the Bill, but the main object underlying the Bill is to suppress the Indian Press. Sir, this is not a new move on the part of the Government of India. It is a very old move and dates back from the days of the Montagu-Chelmsford Report. When the whole of India cried for reforms and when the reforms were going to be introduced, the Government of India constituted a Sedition Committee known as the Rowlatt Committee whereby they wanted to suppress the Indian Press. Sir, we are now on the eve of great constitutional changes and the Indian Press has helped the country to formulate their national demands for these great constitutional changes and naturally the Anglo-Indian Press is in a turmoil. The Anglo-Indian Press has solidly opposed the Indian aspiration to get Dominion Status and they have been goading the Government of India to that effect. Therefore, they want the Government to enact fresh press laws whereby the Indian Press will be suppressed. Sir, last January, when the Honourable the Home Member introduced the other Press Bill that he withdrew the other day with the consent of the House, he did not expect there would be a Gandhi-Irwin pact. So he wanted to introduce the Press Bill with the instigation of the Anglo-Indian Press whereby the activities of the Indian Press could be suppressed. If the Ordinance would have continued when the Gandhi-Irwin peace terms were concluded, the Press Ordinance would have lapsed. But the Government were wise and their Anglo-Indian advisers were wiser still. The Anglo-Indian Press always instigate the Government to take such measures ; they are business men and possess astute heads ; they not only interpret the views of the Europeans in India but also of the die-hards such as the Churchills and the *Daily Mail* of London. They instigated the Government to keep in their hands a measure which would completely bring the Indian Press under their control as the Ordinance was doing in the days of Civil Disobedience movement.

Sir, my Honourable friend, the Home Member, has paid a compliment to Indian journalists. He said some of them are very good men ; some of them have done very good work. He also paid his tribute to our late departed friend, Mr. K. C. Roy, and I also take this opportunity to mourn the loss of that great journalist and that great personal friend of mine by whose death the Indian nation has lost a great man and a great patriot. Sir, as a member of the Upper India Journalist Association, of

which my Deputy Leader, Mr. Ranga Iyer, is the President, I accept that tribute from the Honourable the Home Member that some of the journalists in India are good men, and I pay him back the compliment that as a private gentleman I have the highest respect for him and look upon him as my friend. But as a Member of the Government I have no respect for the repressive and oppressive policy and the system of administration to which he is a party. Sir, my friend the Home Member and the Governor General in Council have made a fundamental mistake in their diagnosis of the terrorist movement in India. They want to kill two birds with one stone. They think they will be able to suppress the terrorist movement, but they know they cannot do so. But that is a different consideration. They are out to suppress the Indian Press because in their heart of hearts they do not believe and they do not expect that the Round Table Conference will be a success. They do not expect that next year at this time there will be the transfer of power from the other side to this side. They expect that the present system will continue and they expect what my friend Sir Arthur Moore.....

Honourable Members : He has not yet been knighted.

Mr. B. Das : I hope he will soon be knighted and I will be the first man to congratulate him. Mr. Arthur Moore's paper instigated the Government to rule India with mailed fist and iron hand, to rule India as it was ruled even before the Morley-Minto Reforms. Sir, my friends on the Government Benches are so unwise that they do not, as was remarked by my friend Mr. Amar Nath Dutt yesterday, read the letters written on the wall. It is their sad mistake and they will rue it.

Sir, I said that they have applied the wrong diagnosis. It has always been their mistake to apply wrong diagnosis. They are out for the blood of the Indian Press. In 1924, they went after the Press, saying that the Indian Press was backing the communist movement in India. It is always the Indian Press, the poor Indian Press that is guilty of everything. They do not see the signs of the times, they do not see how the world thoughts have advanced. As Members of a civilised nation they must be aware that new ideas spring up every day and we are all heirs to them. How can the Government suppress spread of thought of the Bolshevik movement and the Communist movement in India? Every day vast masses of literature emanate from the communists and India must have access to this literature and these papers. How can the Government suppress by mailed fist and bayonets the Indian Press; how can they suppress great thoughts that Karl Marx and Lenin enunciated? In 1924 and in subsequent years the Government said that it was the communist ideas that were causing the terrorist movement in India and to-day, at the instigation of the Anglo-Indian Press, they say it is the Indian Press that is at the back of the terrorist movement. Can you suppress the terrorist movement by suppressing all the Indian Presses? You can never do that. I throw you a challenge. Those who are today carrying on terrorist propaganda have laughed at this House. They laugh at the non-officials who are here calling themselves moderates and who are trying to co-operate with the Government. They even laugh at Mahatma Gandhi and the great Congress, I repeat the words of Lord Irwin when he said the "great Congress". Everybody knows what happened when Mahatma Gandhi sailed from Bombay. What happened? Those who advocate terrorism, those who are members of the communist party have decried Mahatma Gandhi and they said that Gandhi was going with bended

[Mr. B. Das.]

knees to beg for peace and mercy from England. My Honourable friends on the Government Benches are reinforced in their ranks by a great public man like Sir C. P. Ramaswami Ayyar, who is also a Member of the Round Table Conference and who will go to London two months hence to put forward India's case in a proper manner. If in the Round Table Conference the Government are going to say that the Indian Press is behind the terrorist movement, I say that Government are going to be sadly disillusioned. Their diagnosis is very wrong. As I referred to the Round Table Conference, I take this opportunity to quote the views of a great Indian journalist, who is not here, and who was not originally a member of the Round Table Conference but who has gone there recently on the advice of the present Members of the Government of India. I refer to my old friend and colleague Mr. A. Rangaswami Iyengar, the Editor of the *Hindu*, and who presided recently over the Indian Journalist Association. His message from London reads thus :

“ Provisions Press Bill so far available impose securities on all Press and newspapers old and new alike whenever fresh declarations are even formally necessary. Bill is punitive measure against liberty, Press and freedom of opinion.”

Sir, Mr. Rangaswami Iyengar was not a satyagrahi leader ; he was never an extremist, he was a Member of the Swaraj Party, and today if I know his views, they are nationalist views, and I hope if Government want us to co-operate with them and to help them, they will respect the views of a sober and sedate leader like Mr. Rangaswami Iyengar. I hope my Honourable friend Sir C. P. Rangaswami Ayyar, when he goes to the Round Table Conference—I am sorry he will not be at the Federal Structure Committee—will justify the actions of his Government and as to how he advised his Government to introduce such a measure on the floor of this House.

An Honourable Member : His predecessors advised Government.

Mr. B. Das : His predecessors do not count with me. I hope Government have taken note of the incidents in the country during the last two months. The Honourable the Home Member himself said that public opinion is behind him in the matter of the suppression of the terrorist movement. I am behind him in the matter of suppression of the terrorist movement provided he proceeds in the right line and provided he follows justice and does not ask us to give him power that will take him back to the days of bureaucratic rule. What happened on the morrow of the assassination of Judge Garlick in Bengal ? Everybody deplored the event and Government began to lay charges against the Indian Press and said that, “ It is the Indian Press which went on praising Bhagat Singh's bravery that has made the youth of India so violent as to strike such terror into the minds of high officials of Government ”. When I read that beautiful article in the *Young India* by Mahatma Gandhi where he condemned such terrorist movements, I felt that Mahatma Gandhi had come to the succour of the Home Member, and the Government of India. What happened ? What was the situation in the country thereafter ? All sober minded members of the public have condemned such terrorist actions. In the Calcutta Corporation the Mayor withdrew a certain Resolution that was passed in the case of Bhagat Singh.

Honourable Members : No, no.

Mr. B. Das : Honourable Members will have their own turn to speak. I want my friends on the Government Benches not to lend their ears to the European Bench. I want the Government to do justice to the Indian Press. I ask a simple question of the Government. Have not the Indian Press come to the rescue of Government and the country to control the temper of the country? Nobody can deny that. Can my Honourable friends in the European Group say, or can anybody say that the Indian Press has not tried its best to control the temper of the country for the last two months? I see my friends of the European Group are silent. "Silence" means they agree to what I say. If the Indian Press have helped the Government in this movement, then what is the motive behind the back of the Government in bringing forward this Bill? It is the same motive that was behind the mind of Government in January last. They never expected the Gandhi-Irwin settlement. Today also they do not expect any settlement in London. They want to force matters at present so that die-hards like Churchill can rule India with their guidance.

Sir, I have spoken on the principle. The principle of the Bill is not suppression of terrorism but the suppression of the Indian Press. And I may remind the Honourable the Home Member that if he consults his friends in the Criminal Intelligence Department, he will probably find out the truth of what I say, that the actions of those who commit crimes and violence today are the results of the acts of oppression and repression during the days of the Ordinances that prevailed during the Civil Disobedience movement. I do not defend the criminal action of any young man who has committed a crime, but I say that the crime committed is the result of the serious high-handedness of the police and the district officials. If Gogate aimed a pistol at the Governor of Bombay, it was the result of the Sholapur crime and the Sholapur repression. My Honourable friend the Home Member knew that the Assembly was going to sit and he advised His Excellency the Viceroy to pass sentences of death on those four people; and I can say—the Anglo-Indian Press may not believe it, but the Indian Press believe—that these six men who went to the gallows from Sholapur were all innocent men. The Assembly was going to sit. The Home Member went and advised the Viceroy to sign their death sentence. That is not good will, that is not creating a peaceful atmosphere in the country. Sir, I was going to prove that terrorist actions are not at all inspired by the public leaders of India, by public men in India, by the Congress in India or by the Indian Press. During 1926 and 1927 those of us who were in the Assembly knew that Government had a pet theory of foisting it on leaders like Subhash Bose as leaders of the terrorist movement and the movement of crime in Bengal. I must give Government the credit of having learnt since then. They tried to foist it on the millhands of Bombay and they said that communism was spreading and causing the terrorist movement in India. The Meerut trial still continues; so far nobody has been found guilty and the terrorist movement by young men still continues and they know that it was Mahatma Gandhi's influence and Mahatma Gandhi's hope that this Government would see eye to eye with the popular leaders and call a round table conference by suppressing the Simon Commission that checked these wild youths. It was Mahatma Gandhi's influence that made these young men hold their hands back, but you have gone on hammering them; you have insulted their mothers and sisters, you have ill-treated their women.....

The Honourable Sir James Ocrar : I object very strongly to that statement and I protest against it.

Mr. B. Das : I am not saying you did it but the Government did it. By these Ordinances and these repressive measures they tried to drive out these young men from their homes and these young men had no guidance from the Indian Press, from the so-called public leaders like ourselves, or even from the greatest leaders of India like Mahatma Gandhi. Today these young men are beyond our reach, beyond the reach of the Indian Press, beyond the reach of the advice of great leaders like Sardar Vallabhbhai Patel and Mahatma Gandhi. And no newspaper and no sane advice reaches them who work in darkness. You have to go and diagnose the reason why these young men run into the wildernesses and hills and commit these acts of violence. But as Government have to maintain law and order, let them devise means of suppressing and punishing these wrong-doers. But if in the guise of suppressing the terrorist movement they want to suppress the Indian Press, the whole of conscious India will rise and oppose the action of Government.

Sir, as I was going to prove, this is not a new movement on the part of the Government of India. It started in 1918 when the Rowlatt Committee sat. It went on from 1918, and today in the year 1931 when we are on the eve of great changes, Government still think they can suppress the national consciousness of the people of India by suppressing the Indian Press. Sir, I quoted a great journalist, Mr. Rangaswami-Ayengar. I will quote a telegram which is from Mr. Brelvi, the Editor of the *Bombay Chronicle* and the Secretary of the Indian Journalist Association.

“ The Executive Committee of the Journalist Association of India views with grave concern and apprehension the introduction of the new Press Bill.

One of the terms of the Delhi Pact was the withdrawal of all the ordinances and but for the fact that Press Ordinance expired only a few months earlier it would have been one of the ordinances just withdrawn.

The new Bill is, therefore, virtually a violation of the pact. The Committee is not satisfied that the reason given, namely, the prevalence of terrorist propaganda in the Press is in accord with the facts. With insignificant exceptions the Indian press as a whole is pledged to non-violence and has condemned strongly the political murders and attempts. From past experience the Committee is certain that the Bill though intended to deal with murder propaganda will indiscriminately be applied to curtail the legitimate freedom of the press.”

Sir, this is the opinion of the Executive Committee of the Indian Journalist Association. If Government respect the public opinion of Indians, I hope they will pay due deference to the opinion of these men. The underlying idea of this telegram is, what I was trying to intimate, that the introduction of the Bill is a breach of the Delhi pact. Sir, the Congress is not today represented on the floor of this House, but those of us who are still Congressmen and are friends of the Congress must as public men see that Government carry out the Delhi pact. I maintain the introduction of this Bill is a distinct breach of the pact on the side of the Government. (“Hear, hear” from the *Nationalist Benches*.) What is the opinion of the Indian Press? I hope the Honourable the Home Member is asking his Director of Information to give him from hour to hour and from day to day the opinion of the Indian Press. I am not

concerned with the Anglo-Indian Press, because I have already maintained that it is at the instigation of the Anglo-Indian Press that the Government have come to enact this measure. Here is the editorial of the *Daily Herald*—not of London, but of Lahore—edited by that great journalist who is a European—Mr. B. G. Horniman. The editorial is headed “Another Breach”. Everybody knows that the Congress and the country have pointed out to the Government and to His Excellency the Viceroy the various breaches that have taken place in the Delhi pact. The *Daily Herald* calls this another breach and it says that it is nothing short of legislative hooliganism. It says :

“The first objection to this Bill is, of course, that it provides the Executive with power to penalise newspapers and presses on this mere fiat of local officials—and power too of the most drastic. But it is when we come to the wording of the provisions of the Bill for the Better Control of the Press dealing with the ‘offences’ which will bring newspapers and presses within its gaping jaws that the mind of any one who is not hardened by bureaucratic indulgence in repression or” (*I want my friend, Mr. Arthur Moore, to note this particularly*) “unbalanced by racial panic, stands aghast at the rapacity of those who have concocted this specimen of legislative hooliganism.”

That is the opinion of a journalist who once belonged to the *Statesman*, as my friend, Mr. Arthur Moore, may recollect.

That is the view of a Lahore paper. I will give the view of one other paper—the *Hindustan Times* of Delhi. It characterises the intention of the Government as dishonest. It says :

“It is because the Government’s intentions are not honest and because the executive have grossly abused such extensive powers in the past that we think the Bill should be rejected by the Assembly.”

That is advice which we on this side strongly reciprocate, and I hope that advice will be taken by every non-official Member of this House.

This House is not constituted as it was before 1926. During the days of the great Pundit Motilal Nehru, the Government would not have dared to bring such a measure on the floor of this House. My friend Mr. Ranga Iyer reminds me that the Public Safety Bill was brought forward and was swallowed up, as my friend Mr. S. C. Mitra says.

It has been given out in the Press that some Members of this House present in Simla have been carrying on negotiations with the Government and they have consented that the Bill should be referred to Select Committee. (*Cries of “No, no.”*) I do not think—constituted as this House and the Opposition now is, composed of mostly moderates and liberals, because the Congress leaders and Nationalists are absent today from the floor of this House, because the Government at every turn made it impossible for those men to remain and render necessary assistance for the good government of this country—I say, Sir, if any moderate or any liberal who is a Member of this House has gone behind his party or behind his country to assure the Honourable the Home Member or the Government of India that the country is with the Government for the reference of such a Bill to Select Committee, I think that gentleman must have been suffering under some hallucination at the time when he gave such a promise. I refer to this only because it was commented on in the Press. I do not care—I never will care—and I do not mind what Honourable Members go and talk in the lobby or outside with Honourable Members opposite ; that is not my look out. I am here to interpret the spirit of the country, and to voice public opinion, and public opinion does not want to see today that the Indian Press should be suppressed. I want to refresh the mind of the Honourable the Home Member about the recent deliberations of the

[Mr. B. Das.]

Congress working Committee at Ahmedabad. Of course, my friend the Home Member's arm of secret service is very long and he may have got all the details that passed in Ahmedabad ; but the Press reports say that those great leaders of India that gathered at Ahmedabad are still doubtful of the success or utility of Mahatma Gandhi's going to London, and therefore they postponed consideration of certain important matters till November.

That brings me to my suspicion that the Government, who have been perhaps cheered by the appearance of Sir Samuel Hoare, Mr. Churchill and others, do not want the success of the Round Table Conference. They want from this day scenes of repression and oppression, so that if the Congress once again decides to revive the Satyagraha movement, they will start repression of the Indian Press and terrorism of the Indian Press—not by ordinances or special enactments—but by legislative measures presumably with the sanction of the non-officials on this side. Sir, I cannot be a party to that.

I want to draw the attention of the Home Member to one other point. What was the object, the underlying principle and the main principle of the Bill that he introduced in January last ? The object was to suppress the laudation of the Civil Disobedience movement. Government are very wise ; their advisers—I do not include my Honourable friend, Sir C. P. Ramaswami Iyer—he is too new to their game....

An Honourable Member : He is too good.

Mr. B. Das : Today the Bill has come in another form and what is the main object ? To suppress laudation of the terrorist movement. The object of the Government is the same. They were afraid of the Civil Disobedience movement in January ; the Home Member of the Government ought to know more than non-officials on this side. We non-officials were expecting a truce and peace between the Government and Mahatma Gandhi ; but the Honourable Member did not ; he wanted to stop this Civil Disobedience movement by the suppression of the Indian Press. Today, the same Bill has come up in another disguise. It is apparently the suppression of the terrorist movement, but in fact it is the suppression of the Indian Press, so that, in case the Congress decide not to accept the results of the Round Table Conference, where my friends like Sir Cowasji Jehangir and Sir C. P. Ramaswami Iyer and others will deliberate and will try to bring something to India, then the Indian Press can be thrown out of action and the Government could go on in their art of repression on the lines formulated and enunciated by my friend, Mr. Arthur Moore, in the editorials of the *Statesman*.

Sir, my Honourable friend says that the Indian Press is inciting to violence, is inciting individuals to murder and terrorism, but what is the Anglo-Indian Press doing ? The other day I referred to incidents of the delicate negotiations that were going on between Mahatma Gandhi and His Excellency Lord Willingdon, and what was the Calcutta *Statesman* advising at the time ? It was inciting race hatred. Every Indian that read the *Statesman* felt no love for the British Government and British people, because the articles in that paper incited such race hatred. My Honourable friend wants to suppress, wants to catch hold of one single mad

young man who is running after a particular official to whom he bore a grudge, but what about this race hatred which the Anglo-Indian Press is rousing in the country, when the Anglo-Indian Press held that the Labour Party in England were failing and the Conservatives were coming and they saw glorious light, when they held that the Churchills would win and would rule India, would exploit India, as they have exploited the country for the last 150 years? Sir, we are willing to help you, but can the Government say that in their life history they have ever prosecuted a single Anglo-Indian paper that has roused race hatred, that has worked for racial discrimination? As an old Member of this House, I know how many pieces of legislation were undertaken by Government to see that no race hatred was roused. but I say, Sir, it is this Anglo-Indian Press, no doubt inspired by the Conservatives in England, by the die-hards and the Imperialists and the exploiters in England, by newspapers like the *Daily Mail* and by men like Lord Rothermere and others, that want to rouse the Indian nation to such a state of frenzied helplessness that they should revolt against the Government. As I said the other day, the agriculturists will soon revolt in their deep gnawing hungers. They want to rouse the Indian nation to such a state of revolt, so that the Imperialists can say that there is no other alternative for the Indian administration but to rule the country, as it was ruled before the introduction of the Montagu-Chelmsford Reforms.

Sir, I lay the serious charge against the Government that they are abetting, they are parties to the secret conspiracies of the Imperialists in England and the Imperialists in India, that India should not receive Dominion Status, that India should not become an equal member of the British Empire. I do not want to bring the other charge which many of us have occasionally mentioned that my friends are afraid because they would lose their powers, their little Governorships and Executive Councilorships—those little things do not weigh with me now. I do not impute those little motives to the Government, but I impute to them the motive that they have sided with the Conservatives, with the die-hards and the Imperialists in England and in India to make the situation worse and worse, so that somehow they can carry on their policy of ruling the country with an iron hand for a few years more. Sir, study the signs of the times, and what do you find? There are other forces working, and repressive measures calculated ostensibly to maintain law and order cannot suppress the world-wide consciousness for the freedom of a great nation like the Indian nation.

Sir, my Honourable friend the Home Member argued that the ordinary law is insufficient to deal with terrorists. I am no lawyer, but I have consulted many great lawyers in this House, and the leader of my party is one of the greatest lawyers in this country, and I am assured that the law gives ample power to punish the editors of those newspapers who incite people to violence or even to suppress or to punish those who are terrorists in their mind or in their intention. I want to judge the Government by their intentions and motives. Their intentions may be to arrest the terrorist movement, but their motive is to crush the Indian Press, the freedom of the Press, and it is on account of that that I want to oppose this measure. Sir, my own inclination is to oppose it, but as I said, I want the Bill to be circulated so that I may know whether any conscientious section of the Indian public is with the Government, is with the Honourable the Home Member and supports him in the view that such a measure as this is necessary for the country to help the Government at this juncture.

[Mr. B. Das.]

Sir, I warn the Government not to spoil the good atmosphere of the Round Table Conference. I warn the Government not to dream of dreams that they dreamt centuries ago that they will continue to exploit the whole of the Asiatic countries, not to dream what the business-men, what the Imperialists still think that India must be exploited for another century. I assure my Honourable friend that India would like to help England, to remain as an equal partner, when both England and India are on the verge of bankruptcy, and if India is on the verge of bankruptcy, it is not due to the fault of the Indians ; it is due to the fault of the Treasury Benches opposite who have squandered India's millions by their gambling policy. Sir, on behalf of India, I assure my friends opposite that we are willing to remain in the Empire and help the Government, but it is they who want to side with the Imperialists in England and India and forge measures of repression so that, after the failure of the Round Table Conference, they can go on ruling the country with an iron hand. If that is the idea of the Government, then I may tell them that they are entirely mistaken. Those of us, who are here and who did not go with Mahatma Gandhi and others in the Satyagraha movement at the famous Lahore Congress, those of us who remain on the floor of this House to give help to this Government to arrive at an amicable settlement, will be driven mad ; the Government by their mad policy will drive us to a camp where we will go and seek a solution whereby we will not only obtain the freedom of the Press of India, but we will obtain the freedom of India as a whole. (Hear, hear.)

Mian Muhammad Shah Nawaz (West Central Punjab : Muhammadan) : Sir, I rise to support the motion that this Bill be referred to a Select Committee, subject to the observations that I desire to make.

Mr. President, no one will deny that there is functioning in India a revolutionary party whose insane objective is to promote the overthrow of established Government and to create a state of terrorism and violence in this country. That this party has been responsible for the most dastardly and diabolical murders of public servants and attempts on the lives of the Governors of two of the provinces is a patent fact. This party, despite the denunciation of acts of violence by the Congress under the leadership of Gandhiji and despite the resolve of political India to bring about an everlasting settlement between Great Britain and India, is still carrying on their campaign of assassination. Therefore, it is the urgent and paramount duty of every right-minded Indian to remove what Lord Irwin described as " This malignant cancer in the life of India ".

Sir, I do believe that this House will co-operate with the Government if a reasonable and appropriate measure of legislation is enacted with a view to stem the tide of terrorism without interfering with the right of honest criticism and the independence of the Press. Honourable Members are aware that last winter Lord Irwin promulgated an ordinance which was worded very broadly and which I must say in some respects was abused by the executive. His Excellency delivered a memorable speech in this House on that occasion and added :

" Among other influences which have undoubtedly tended to the encouragement of such revolutionary methods and violent crime, are certain sections of the Press, whose reiterated laudation of false sentiment and of distorted patriotism lead all too often to the injection of deadly poison into a certain class of mind."

His Excellency then promised that the Bill which has now been withdrawn by the Honourable the Home Member would be introduced in the Legislature. The Bill was introduced on the 15th January, but then came the remarkable achievements of the Round Table Conference and the historic announcement of the British Premier promising to India Dominion Status subject to necessary safeguards for the period of transition. The Bill was therefore postponed. Now, a new Bill has been put forward by the Honourable the Home Member, and anybody, who looks at this Bill and compares clause 4 thereof with that of the old Bill, will find that there is a vast difference between the two Bills. The present Bill has undoubtedly a limited scope, but I will presently point out that even so the wording is very wide.

Sir, this Bill is intended to arm the Government with powers against newspapers, which contain incitements to or encouragement of murders or other offences involving violence, or expressions of approval or admiration of any such offences. As Gandhiji has put it, these murderers are now in high favour owing to a mad worship of the murderers by a comparatively small section of the community and by a certain section of the Press. But I still maintain that the wording of clause 4 of this Bill is very wide and it can be made a weapon of repression in the hands of the executive as was the case with the old notorious Press Act of 1910. Clause 4 runs thus :

" Whenever it appears to the Local Government that any printing press in respect of which any security has been deposited as required by section 3 is used for the purpose of printing or publishing any newspaper, book or other document containing (*mark these words*) any words, signs or visible representations which are likely or may have a tendency, directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication or otherwise, to incite to or to encourage the commission of any offence of murder or any offence involving violence, or to express approval or admiration of any such offence (*again mark these words*), or of any person, real or fictitious, who has committed or is alleged or supposed to have committed any such offence. "

Honourable Members will at once see that, although this clause materially differs from the corresponding clause of the withdrawn Bill, it is still very wide in its scope, because it says, " any words, signs, visible representations, metaphors, allusions ", and so on and so forth, and even as regards the person, the murderer may not exist, it may be fictitious. Obviously the wording is very comprehensive and all embracing and requires considerable modification. As I have the privilege of going on the Select Committee, I will then put forward my own amendments.

Again, I maintain that there should be a right of appeal under clause 3. You will see, Sir, that a Magistrate can call upon any person who makes a declaration, or the Local Government may call upon any person who has already made a declaration to deposit security, but on what grounds, the clause does not say. I am of opinion that no arbitrary power should be given either to the Magistrate or to the Local Government and that the Magistrate and the Local Government should distinctly record their own reasons why they come to the conclusion that the deposit of security under the circumstances of the case is absolutely necessary. If that Magistrate or Local Government do come to the conclusion that the deposit of security is necessary, then, in my opinion there ought to be a right of appeal to the High Court to see whether a proper case was made out for the deposit of the security. Moreover, the amount of security is very excessive. In the first instance it ranges from Rs. 500 to Rs. 2,000. At the second offence it is double, and at the third offence it is treble, and the printing press is

[Mian Muhammad Shah Nawaz.]

also forfeited and the newspaper can file a new declaration only with the previous consent of the Local Government. These provisions are undoubtedly very wide and I have already said that they can be abused.

Now, Sir, there is no doubt that there exists in this country a small section of the Press which does in fact strive to glorify the names of those who resort to crimes of violence. There is also another section of the Press, comparatively small, which gives such a mixture of denunciation and praise to the murderers that ill-balanced youths are driven to a point where they come under the influence of those who make the organization of assassination their business. It is a matter of the deepest regret to everybody concerned that the Government are compelled to bring forward this measure of legislation under conditions of great emergency. I must say at once that responsible newspapers in this country and responsible persons among the vast majority of the Indian people have distinctly and clearly and emphatically denounced the murderers who have done harm to the fair name of India. The anarchical movement, I am happy to say, is limited to a small section of the people and India's heart is still very sound. India is willing to co-operate with Great Britain, provided that Great Britain also treats the Indian people with justice and fairness. In my opinion this Bill will eradicate to some extent the cult of murder, and it is the duty of every sane Indian to support it provided the Bill is modified appropriately and reasonably in the Select Committee. However I wish to make it clear that if it is not so modified, we will reserve the right of rejecting this Bill at the third reading if we so desire, but I do hope that the Select Committee will modify it so that it will be acceptable to the House. With these words I support the motion of the Honourable the Home Member. (Applause.)

Mr. Arthur Moore (Bengal : European) : I am glad to hear the declaration of my Honourable friend Mr. Shah Nawaz that he is in favour of the principle of the Bill. At the same time there is one observation I should like to make, and that is that as I understand it the debate to-day on the motion to refer the Bill to a Select Committee is confined to a discussion of the principle of the Bill. Therefore it seems to me to be an unfortunate precedent that a Member who is going to serve on the Select Committee should, as it were, before he has even had an opportunity of knowing the reasons why certain things are put in the Bill and what their exact meaning is, tie his own hands by going into the details, on his own reading of them.

Now, Sir, as I listened to the honeyed tones and the soft non-violent accents in which Mr. B. Das attacked what is known as the Anglo-Indian Press, and even permitted himself to go so far as to bring a monstrous accusation of outrages on women against the Government, I realised what prejudice the cause of law and order and the defence of the fabric of society has to encounter in certain quarters. With regard to Mr. Das's unfortunate observation, I will only say this, that after the Resolution of certain of his political associates eulogising the man who hacked to death Mrs. Curtis and who would, if he could, have hacked her children to death, the less he says upon the subject the better. With regard to his attack on the Anglo-Indian Press, I was particularly struck by the fact that in the past, and if my Honourable friend will search his memory he will know that I am speaking the truth, I have heard him in this House refer more

than once to a paper with which I am personally connected and to its sympathy with Indian aspirations. He is well aware of the support that it has given to the Round Table Conference, and to the effort to find an agreed and real self-governing constitution.

Mr. C. S. Ranga Iyer : What about the telegram that you sent to London about not permitting Mahatma Gandhi to go to London ?

Mr. Arthur Moore : I have no knowledge of such telegram.

Mr. C. S. Ranga Iyer : On behalf of the European Association, did not you send a telegram to London ?

Mr. Arthur Moore : Certainly not. No such telegram exists.

Mr. C. S. Ranga Iyer : Your telegram to Messrs. Baldwin, MacDonald and Lloyd George was published in the papers.

Mr. Arthur Moore : It may have been in some papers.

Mr. C. S. Ranga Iyer : In your own newspaper and in the *Madras Mail*.

Mr. President : Order, order.

Mr. C. S. Ranga Iyer : You sent a telegram to Mr. Baldwin.....

Mr. S. N. Roy (Government of India : Nominated Official) : Order, order.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Is an Honourable Member entitled to call another Honourable Member to order in that tone, as if a District Magistrate ordering a *chaprasi* ?

Mr. President : It is only the President who has the right to call Honourable Members to order.

Mr. Arthur Moore : My Honourable friend was perfectly well aware of these facts. But just because there has been a tremendous outbreak of violence in which innocent men have been shot down, and because the paper supports this Bill, which is only intended to deal with terrorists—my Honourable friend forgets what he knows to be true. Turning round simply on the point of violence, he now says that we are reactionaries and that we stand for the policy of Mr. Churchill. He knows all that in his heart to be entirely contrary to the facts.

Now, Sir, I do not propose to waste much time over this preposterous charge that the Anglo-Indian Press has sponsored this Bill through some sinister motive. As I understand it, the argument which was brought forward the other day in a preliminary canter was that the Anglo-Indian Press has itself some privileged position, and has nothing to fear, and is therefore quite indifferent to the fate of its contemporaries. With regard to that, Sir, in the first place, there is no privilege ; not only that, but I will say this that no section of the Press has been so vexatiously harassed by those who have tried to use the intricacies and ambiguities of the law against it as has the Anglo-Indian Press in India. But the short answer to that charge is that it totally ignores the provisions of the Bill. This Bill suppresses no newspaper ; not even the most unutterable rag in the country is suppressed by it, or is even asked to pay an anna ; all that the Bill calls upon it in the first instance to do is to mend its manners and

[Mr. Arthur Moore.]

change its tone. (Ironical cheers from some of the non-official Benches.) If it still goes on with incitements to murder and violence, it is then called upon to deposit security, and if it repeats the offence, it forfeits the security. Now, Sir, what has any responsible paper to fear from that? Can anyone suggest that Indian dailies of great repute, like the *Hindu* of Madras or the *Leader* of Allahabad or the *Tribune* of Lahore, none of which I am quite sure have ever at any period incited to violence, or have believed in any way in violence, can any one suggest that such papers have anything to fear from this Bill?

Mr. Gaya Prasad Singh : But they have all condemned it.

Mr. Arthur Moore : As far as they themselves are concerned, Sir, they can view it with complete indifference. As far as their profession is concerned, I think that every decent journalist can only view with horror and disgust the state of things which exists in the country at the present moment, and must regretfully confess that not only is some such measure as the Government have introduced justified, but that it is long overdue. Sir, liberty and licence cannot long exist together. In the end, certainly, licence will drive out liberty, and that is what is happening. Where is the boasted liberty of the Press in India to-day? There is very little of it. I say, and I know, that the right wing of the Congress, the people who sincerely wish to observe Mr. Gandhi's teaching of non-violence, without reservation, and without eulogy of murderers,—I say that those men are intimidated by the left wing of the Congress, and they are terrorised by the political terrorists and by the revolutionary communists.

Mr. B. Das : On behalf of the Congress I protest.

Mr. Arthur Moore : I will give some proof.

Mr. B. Das : All right. Come forward.

Mr. Arthur Moore : I will read, Sir, from a Calcutta paper. It goes further than what I have said; for even those who are willing to preach revolution are intimidated unless they are willing to go to all lengths. (*An Honourable Member :* "Which is that Calcutta paper?") I said, a Calcutta paper, called *Sramik*. This paper wrote a few months ago (*vide* page 11 of the Collection issued by the Government) :

"Again does that cannon roar"

A secret letter from revolutionaries."

The Editor was compelled to publish this :

"To the Editor, *Sramik*,

COMRADE,

We could not help laughing as we realised the helplessness of your condition in publishing the 'Red pamphlet' last week. We exist and will certainly do so. You are afraid, but death is the companion of our youth. We will not be content with destroying the white-skinned English only, we want the destruction of the native black-skinned Englishmen too. (Laughter.) Further, we want the downfall of Gandhi who is religious-minded, a traitor to the nation and a patron of capitalists.

We send you only those portions of the 'red pamphlet' which you did not receive. We want the victory of the *Sramik*. 'Inqilab Zindabad'."

Now, Sir, after that it goes on to omit some extracts, for the next paragraph evidently referred to the necessity of armed dacoities; and was too much for the Editor. But it resumes :

"Then, if there is money in the hand, no difficulty is ever experienced in collecting arms and ammunition in sufficient quantities. Hence, money is needed first. If the

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people of the country do not give money of their own accord, what alternative is there to snatching away money from the rich ? ”

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Shame, shame !

Mr. Arthur Moore : It goes on further :

“ We should of course bear in mind that the fight for freedom in our case will not be an open fight. We shall take to guerilla warfare, for, following this method of fighting, a handful of men may weaken even a strong antagonist with the help of a small number of weapons. In an *open* fight, the English may very quickly put down the revolutionaries by means of their well-trained soldiers, cannon, aeroplanes, etc., but if war is waged according to the above-mentioned method, on whom shall the English exercise their military skill, and on whom will they have the best opportunity of ruthlessly raining their cannon-balls and bullets ? ”

It goes on further, Sir :

“ Many perhaps will ask whether it will be possible for us to bring freedom into the country by practising terrorism in the manner in which it is being practised now, that is, by the explosion of bombs and the firing of bullets anywhere and everywhere. This sort of sporadic terrorism is of course not of much use. What will have to be done is to start a *lasting and country-wide terroristic movement* ; here we shall have to consider why revolutionaries practise terrorism. If exactly at the time when ‘ goonda rule ’ is introduced into the country by some particular person or at the secret hint of somebody, *i.e.*, at the time when the people of the country, thoroughly put out by his behaviour, desire his death, somebody relieves the oppressor of the burden of life, it is but quite natural that the sympathy of the people of the country will be attracted to him and his ideal. It is exactly for this reason, *i.e.*, with a view to winning the sympathy of the countrymen that revolutionaries practise terrorism. Again, it may also so happen that, on the murder of the above-mentioned man, the successor to his post may, out of revenge, try to repress the people of the country more severely.”

They want more repression :

“ But if somebody kills him and his successor too, and thus at least eight or ten persons are done to death, then.....”

The editor had to leave something out here.

“ Those days are no more ; the emancipation of India will not be achieved by prayer to God. Draw out the sword. These demons are not of that type.”

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Will the Honourable Member be pleased to say if any action was taken against this paper ?

Mr. Arthur Moore : Is the Honourable Member defending this paper ?

Mr. Lalchand Navalrai : I am not defending it at all ; but will he say if any action was taken against this paper ?

Mr. Gaya Prasad Singh : Why was it not prosecuted ?

Mr. Arthur Moore : I have given you an extract to show what an editor was compelled to do. Sir, we are told that this Bill is a danger to the respectable Press ; I say that it is not a danger to the respectable Press, but it is a fact that the other Press is a very serious reality. A great deal that is published is apparently published not under pressure but because that is what the paper stands for. Let me read out to you some more extracts. The same paper in April (page 18) publishes a poem entitled “ *Ramkrishna and Dinesh* ” in which the following lines occur :

“ I made an end of the family of the Czar at the point of the sword of Lenin. As long as there is oppression, my scimitar will be again and again dyed red with the warm blood of man.”

[Mr. Arthur Moore.]

Another Calcutta paper contains the following poem :

“ Yes, ‘ Rebellion ’, ‘ hot ’, ‘ fiery ’ and ‘ terrible ’ is my name.
In whose possession is death, in whose wake follow a general massacre,
Murder, brutality, roar, storm, ruin and warfare.
With one gesture of my hands the entire world is overthrown.
Like death I spread over the head of life.
First of all I destroy the betrayers.
Then with a graceful gait I advance towards the Rulers
Spurning with contumely law and imprisonment.
Seeing the havoc done by my bloody feet,
The crown of the Ruler trembles.
By yelling thus I infuse enthusiasm among the people.”

That, Sir, is the intention of that Press—to yell thus and infuse enthusiasm among the people. Here is another extract.

Mr. President : Order, order : I should like to draw the attention of the Honourable Member to the fact that this publication has been circulated to all the Members. That being the case, I should like to ask whether the object of the Honourable Member would not be equally served if he made short quotations instead of reading the whole of the extracts and thus taking the time of the House ? I do not object to the Honourable Member reading only such parts as go to support his case. But I do not think it is proper that he should take up the time of the House by reading long extracts from document which is in the hands of every Honourable Member.

Mr. Arthur Moore : I will endeavour, Sir, to keep down my quotations as much as possible. I may point out that there are 66 pages and I have no intention of giving profuse quotations. But it seems to me quite evident from the speech of the Honourable Member who moved the circulation of the Bill that he appeared to me that he had possibly at least not read this book.

Mr. B. Das : I have read the whole past history.

Mr. Arthur Moore : May I just read an extract from the *Sramik* of the 1st May :

“ O, brother workers, see there the god of equality is coming overcome by the intoxication for blood. The Red Flag is fluttering in the sky and the god of destruction is coming. his sword quivers thirsty for the blood of the oppressor. O, brother workers, your sufferings will come to an end. May Day has come back again at your doors to remind you of the bloody, pleasant day. Strike the capitalists ; smash their houses of festivity and raze them to the dust. Let those satanic exploiters quake. Difficulties are solved through blows—so wield the rod, not even that is the end. Piercing through the ribs of cowardly oppressor wield your scimitar recklessly to-day making the bubbling blood flow. Make them swim to-day in a current of blood four times as much as the quantity of blood they have sucked out from your breasts. Let that carnival of blood commence from to-day with blows of the hammer, crowbar and the plough on the path slippery with blood. Let this memorable day sound the triumphant flute of fire on behalf of the workers in the world.”

There are other passages on the same page but I do not wish to read them.

The *Sarbahara* (Calcutta) of the 13th June writes :

“ Your blood is mingled with that machinery, that palace, that conveyance, and yet why are you deprived of each of those things ? Who will answer, why ? The men who sitting in the palaces built by you are smiling a sardonic smile, who drive in motor cars and put lakhs of money in their pockets it is those men who have left you

destitute. Listen, there is in the atmosphere a call that you are to destroy those robbers ; the universe has to be awakened and you also are to awake. You should get what is your due. Come, let us swear under the open sky to carry the Red Flag, whether we fall down or die on the way. We do not fear the dark prison or death by execution, we do not fear anybody ; we fly the Red Flag."

A Dacca paper justifies political murders :

" If a number of English officials and traitorous Indians are murdered, India might not forthwith become free, but it can be easily stated that she advances far thereby on the path to freedom. Remaining in a disarmed condition Indians have come to feel that they are incapable of using arms. They have forgotten even that they have the capacity to fight, that they have the power to take the lives of their enemies. We find that there is very great need of this kind of political murders, etc., to rouse in the minds of this self-forgotten nation a belief in their own real capacity and to rouse in their minds a desire for vengeance."

Well, Sir, I will refer Honourable Members.....

Mr. President : Order, order : I should like to invite the Honourable Member's attention once again. He has quoted half a dozen extracts to show what has appeared in certain papers. It is not necessary that the Honourable Member should go over the whole document in supporting his argument. He has shown already by the extracts which he has read what his contention is and I now want him to continue his observations based on the extracts he has already read.

Mr. Arthur Moore : I am very glad indeed to have your confirmation of the fact that I have established the point.

Mr. President : The Honourable Member seems not to have understood what I said (Laughter). I want to make the position clear. I cannot allow elaborate extracts to be read in the course of the debate. I have no objection to his reading a few extracts to support the point of view which he holds. The Honourable Member has done that and I now want him to proceed with the arguments which he wishes to base on the extracts which he has read. (Hear, hear.)

Mr. Arthur Moore : I bow entirely to your ruling, Sir. I should like to make no further quotation. I should merely refer Honourable Members to page 33 where they will find an invitation to make a river of blood flow. I cannot help feeling that even those few quotations should be enough to convince any reasonable man that there is terrible violence in this country. Ten years ago, I was in Central Asia and I well remember the pan-Oriental Congress summoned by the Third International at Baku in 1920, and the subsequent decisions taken in Moscow by the Third International. In plain language it amounted to this : that while they had the very greatest contempt for Indian nationalism, Chinese nationalism and every nationalism throughout the East and for Mr. Gandhi's movement, and although they announced that ultimately they meant to crush all nationalism, and replace it by the dictatorship of the proletariat, nevertheless they decided that the enthusiasm for nationalism in the East should be deliberately exploited by them in the interests of revolutionary violence, and for the destruction of the existing order of society. Now that programme has been systematically followed ever since, and that is what is happening to-day. The Left wing of the Congress and the political terrorists in India are thus being used by the revolutionary communists to break down society. A whole generation of young men, many of them generous spirited young men, full of ideals, the very men who should be the material for making a new India, are being perverted and are being consecrated to destruction. Are we to sit idly by ? From every quarter

[Mr. Arthur Moore.]

of the land in papers like these the cry goes up about repression from the very men who are themselves clamouring for more bloodshed. In no Indian State, in no other civilised country in the world would such a thing be tolerated. In Russia itself, the answer to the merest hint of public criticism of the dictatorship of the proletariat would be death. I believe that the people of India and the people of Britain can still, by mutual trust and the spirit of good will which animates the Round Table Conference, save the country from the real enemies of Indian freedom, namely, the terrorists. We have to go forward without faltering in the pursuit of a true nationalism, the creation of a great self-respecting nation at peace with all the world. But it is quite evident that the poison has gone very deep, and I fear that many politicians who are not themselves prepared to resort to violence must bear their share of responsibility for the spirit of violence which reigns throughout the country. An Honourable Member yesterday referring to these Benches asked us, "Can we not read the writing on the wall?" He was good enough to tell us that we had no business to be here. I may be wrong, but I believe that I can read the writing on the wall. The British people desire that India should attain self-government, a large measure of self-government (Hear, hear) and that is definitely on the way. It is coming for India (Hear, hear). I fear that that may be the signal for an outbreak from these apostles of destruction, of violence in this country of such an extent as Honourable Members opposite have never had the misfortune to see. I would ask the Honourable Member, if those evil days come, on what is he relying for protection? He hates the English, he hates his own countrymen in the police. The terrorists will hate him, and will merely regard him as a coward. In a time of revolution and violence on all hands, when other men may wish to take his life and property, how is he to defend himself? I would say, let him begin to-day. If there is any sincerity and any loyalty to the teachings of Mahatma Gandhi, of non-violence, if there is, as I believe there is, a genuine response in the Indian heart to the noble and stirring appeal which Dr. Rabindranath Tagore issued in Bengal a few days ago, then, Sir, let us get on with this Bill as quickly as possible, and discuss it in the Select Committee. (Applause.)

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural) : Sir, I think this Bill which is before us now was long overdue. My Honourable friend, Mr. Moore, has attached a good deal of importance to the speech which my Honourable friend, Mr. B. Das, made to-day. My Honourable friend, Mr. Moore, perhaps did not know that Mr. B. Das was speaking to the gallery, because the next Congress, which is going to assemble in December, will be in his own district of Puri. Sir, one is amazed to find that some Honourable Members consider this Bill as gagging the liberty of the Press. The question is, is that so? From the speech that we listened to this morning of the Honourable the Home Member and from the Statement of Objects and Reasons, the answer completely is that it is not so. The only object of this Bill is to prevent the irresponsible Press, the irresponsible newspapers or news agencies, which constantly incite crimes of violence, and which day in and day out encourage terrorist outrages by their writings and by their eulogies showered on those guilty of such crimes, from doing so. We condemn the misguided youths, the perpetrators of these horrible crimes, but, Sir, the time has come when we should strongly condemn and take action against those who by

their action, by their speeches and by their writings extol these deeds of violence and eulogise assassins as saints, martyrs, heroes and patriots. Sir, these misguided youths read these eulogies of the heroism of the perpetrators of anarchical crimes and discuss them with their companions and are apt to pause and think whether or not they too should offer their lives at the altar of their motherland and earn immortal fame. If one studies the history of the anarchical movement and anarchical crimes, it will be found that it was Bengal in particular where anarchical crime was first started—which, so to say, was its birthplace. It will be seen that it originated with the agitation over the partition of Bengal in 1905 ; and in this connection, Sir, may I, with your permission, read a passage from a book entitled “ Causes of the decline of the British Empire in India ” ?

“ Lords Hardinge and Irwin have sapped the British Empire in India. The wonderful fabric of the administration of British India was perfected by so many Europeans, chiefly members of the I. C. S. But it is two English Viceroy's who have sapped its strongest foundation—I mean that crooked politician of British diplomatic service, Lord Hardinge and that too gentle and panicky Lord Irwin. The short-sighted temporary expediency of those two gentlemen together with the misguided general policy of the British towards the Indian Muslims from whom they had taken the country is the root cause of the decline of the British Empire in India. The dishonest annulment of the partition of Bengal has been the beginning of the end of British rule in India.”

Sir, after the annulment of the partition of Bengal in 1912, the cult
 4 P.M. of bombs and pistols gradually disappeared. It
 must be said to the credit of the Press at that
 time that no Press was inciting impressionable young minds to violence or
 anarchical crimes to such an extent as is now being done. These anarchi-
 cal crimes reappeared with the Jallianwalla Bagh incident and Mr.
 Gandhi's activities, and this time the Punjab caught the contagion from
 Bengal. Nevertheless, Sir, it did not extend with such alarming rapidity
 till the open declaration of independence at the Lahore Congress in 1929.
 Since then, Sir, the Press, and the Congress Press in particular, have been
 extolling the courage and the spirit of self-sacrifice of these assassins in
 season and out of season. It naturally leads the youths to think that
 these are noble deeds and that they would become heroes and martyrs
 should they choose to take this path. Sir, the Press Act, which was in
 force till 1924, stifled these violent outbursts of the nationalist and the
 Congress Press and considerably arrested the dissemination of this poison.
 But since the Press Act was repealed, the incitement to violence and eulo-
 gising these assassins have continued unchecked, to the loss of innocent
 lives and the lasting shame of India. Sir, the perpetrators of these crimes
 are usually youths below the age of 20. These youths who were born
 on or about 1912, when they come of the age of 14 or 15, interest them-
 selves in politics, read and hear of this heroism of throwing bombs or
 firing pistols and killing officials indiscriminately, whether European or
 Indian, and thus they imbibe the poison. But since the Lahore Congress
 with the adoption of the Independence resolution, according to the same
 author,

“ The spineless Sir Crerar ”,

— I do not at all agree with this description of Sir James Crerar who
 is not at all spineless,—

“ did not take any action against the Press and the Press freely poured its venom, and
 terrorist activities increased with rapid strides.”

[Mr. A. H. Ghuznavi.]

With your permission, Sir, I will again read a few passages from that very book.....

Mr. B. N. Misra (Orissa Division : Non-Muhammadan) : What is the name of that book ?

Mr. A. H. Ghuznavi : " Causes of the decline of the British Empire in India."

Mr. B. N. Misra : Written by whom ?

Mr. A. H. Ghuznavi : Written by an author who will be at the moment nameless. It says :

" Lord Irwin's Unwise Acts."

" Firstly, Lord Irwin, like a child, was terrified by a so-called Youth Movement and by his open utterances hither and thither in which he gave too much importance to the almost harmless movement of school and college boys made the clever Hindu leaders detect his weak point and they began to play on it.

His 2nd unwise act was the disgraceful muddle and surrender in the Bardoli affairs. The firm attitude of the Bombay Government outwitted the agitators who were thus compelled to cry a halt and proposed a sort of compromise. The Indian Government with Lord Irwin as the Viceroy and spineless Sir Crerar as Home Member and Mr. Patel as adviser jumped at the proposal and compelled the Bombay Government to accept the compromise, accept the lower rate and even to induce the loyal supporters who had purchased at those sales to return purchased properties which no law court could do.

Thirdly, Irwin Government has all along played into the hands of the clever Hindu politicians. The enactment of the Sarda Act at the time of turmoil interfering in the matter of marriage regarded as a sacred institution by the Hindus and Moslems was most unwise.

The fourth and greatest crime of the Benn-Irwin Government was not to arrest Mr. Gandhi and some of his co-workers, even after he openly declared for breaking the laws, even when he started on his ' pilgrimage ' of breaking laws or even when he actually broke the law.

Fifthly, Lord Irwin and his Government have all along wasted their energy in an attempt to win over the Hindus, specially the so-called Liberals and in pursuit of that task have made their own position ridiculous. The President of the Assembly, Mr. Patel, on several occasions brought about deadlocks by his most arbitrary rulings : he would insult the Viceroy's Cabinet Ministers : would treat the leader of the House—the Home Member, like a child ; would turn out the visitors from the galleries, including those of the Viceroy's gallery, which contained a member of the Parliament, and also kept it vacant, days after days, and even at the time of the Viceroy's address and the opposition members would treat the members of the Government with slight ; yet the simple Viceroy and his spineless cabinet would keep absolute silence and would not take any steps because some opposition leaders advised against such steps and threatened non-co-operation."

Sir, the Government of India at last have risen to the occasion and have this time come forward in a business-like manner. They have compiled and circulated to us three volumes. I will not refer to all the instances which I wanted to, as my Honourable friend, Mr. Arthur Moore, has already quoted them : It will serve my purpose if I refer only to one particular instance to which my Honourable friend did not refer....

Mr. President : Will not the Honourable Member proceed with his own observations ?

Mr. A. H. Ghuznavi : The *Payam* (a Muslim name, but run by the Congress) wrote :

" Bhagat Singh, Raj Guru and Suk Deb have been hanged ! The lives of only three persons have been taken, but these were the lives which were dear to 32 crores of

souls of India. By murdering them the English Government have thrown out a challenge to the manhood of entire India. Will India accept this challenge or will she stop after lamenting like cowards ? The whole world is awaiting to hear a reply to this question. On this reply alone depends the fate of both England and India. If India accepts the challenge, the future of England will be dark ; but, if she refuses to do so, then she must be disappointed about her own future."

That is not all. One is amazed to find that a civic body like the Corporation of Calcutta, a Corporation of the second city of the British Empire, passes a resolution, openly and publicly recording their sense of grief at the hanging of assassins after a judicial trial ; and let me tell the House here that in spite of the best efforts of the law-abiding citizens in Calcutta, that resolution has not been expunged from the Minute Book of the Corporation.

Mr. Gaya Prasad Singh : How will this Bill help ?

Mr. A. H. Ghuznavi : I am coming to that : and the gentlemen who prevented it from being expunged from the Minute Book of the Calcutta Corporation is a hot favourite of the Honourable the Finance Member. The Honourable the Finance Member has a very great admiration for enemies of Government. He perhaps swears by them.

This takes me to another serious matter about which this spineless Government remain unconcerned and look on like mere spectators. The Calcutta Corporation has got a number of free primary schools and they have about 20,000 children and 1,000 teachers to teach them. If the history of these teachers is ascertained, it will be found that they are recruited from the ranks of political suspects. The House will be interested to know what the first lesson is which these children are given morning and evening. This is the lesson which these teachers impart to these 20,000 pupils : it is a song which they are taught to sing every morning and evening.

" *Ek, dooi, tin*

One, two, three

" *Char, panch, chhai*

Four, five, six

(*Mr. Gaya Prasad Singh :* " What is wrong with it ! ")

" *Sat, at, nai*

Seven, eight, nine

So far I do not mind, but see what follows :

" *Das, egaro, baro*

Ten, eleven, twelve

Bharat haibey swadhin."

India will be free.

Mahatma Gandhi ki Jai."

Mahatma Gandhi ki Jai.

picketing karitey hai."

Picketing is incumbent (on us),

Engrejkey dharo ar maro."

Seize the English and beat them.

That is the lesson that the Calcutta Corporation in their free primary schools give to their 20,000 pupils, and yet this spineless Government do not do anything.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : On a point of order, Sir.....

Mr. President (addressing Mr. A. H. Ghuznavi) : Order, order. The Honourable Member should resume his seat when a point of order is raised.

Mr. S. C. Mitra : How is the statement that something is taught in the primary schools of the Calcutta Corporation relevant ? How does it come under the purview of this Bill ?

Mr. President : Order, order. The Honourable Member would be relevant if his contention is that the Bill does not go far enough. (Laughter.)

Mr. A. H. Ghuznavi : That is exactly, Sir, what was in my mind, and I maintain that the Bill does not go far enough to meet the requirements of the situation ; it is absolutely a very mild Bill ; it will not be able to cope with what the Government wish to cope with. That is exactly the point I was trying to make out.

Sir, the lesson of British hatred is being imparted from day to day, and yet one is surprised that Government take no action. Is it a matter for surprise then that misguided youths take to bombs and pistols ? Sir, the life of peaceful citizens—thanks to the Nationalist Press and the Congress Press—has become intolerable.....

Mr. Gaya Prasad Singh : As if we are not peaceful citizens.

Mr. A. H. Ghuznavi : In order to prejudice their opponents or those who would not agree with their views, they would malign them at all times, and no wonder they get the terrorists' warnings that they now must be ready for a terrorist's pistol or bomb. Their opponents of the Congress are painted black and prejudiced by the Congress Press because they do not fall in with their views. Their lives are threatened by anarchists and notices served on them for the crime of giving expression to their independent views. If one would say anything which is not in accord with the views of the terrorists or their organ, he gets a notice that the time has come that he must pay the extreme penalty at the hands of the anarchist for expressing his independent opinion. I can give the House, Sir, many instances, but one or two letters will be sufficient. " You bloody scoundrel ", Calcutta 29th July, 1931..... (Laughter). (*An Honourable Member :* " Unparliamentary language.") It is not my language, it is the language used in a letter of the anarchists.

" You bloody scoundrel, be careful. You must know that we are powerless before the Congress otherwise you would have seen your ancestral home before long. It is not the Congress but the hired ruffians of the Government like you who provoke us to do such murderous acts by your ugly speeches and utterings. So be careful you damn swine pig." (Loud laughter.)

The next letter is dated Calcutta, 25th August, 1931—

" Now the time is come to warn you that you will be shot or bombed down soon. You are going to have this punishment, for you are going against your native country with the co-operation of your English friends. You delivered a lecture in the Dalhousie Institute attacking the Congress, Corporation and the Revolutionaries and condemned violence and non-violence also. Moreover, you and your white friends sent a deputation to the Governor to control the power of the Corporation, to revive the Press Ordinance and to chain the youths of Bengal. You said that India will not be independent by such coward attacks upon British officers. Will you please tell how India will be free ? ".....

(*An Honourable Member :* " Let us hear it ").

" By flattering and licking the feet of Englishmen like you ? You fool : do you know what is the punishment for betrayers of their own countries—a righteous retribution, death: Now the time is come to send all betrayers like you in hell, none will be able to protect you in this world, because one will kill you even at the sacrifice of his life for motherland to remove the sin like you of this country."

An Honourable Member : Was that letter addressed to you ? It did not appear in any of the newspapers.

Mr. A. H. Ghuznavi : And, Sir, one is surprised how any Member of his House can refuse giving the protection which in the interest of good Government they are expected to give. I really wonder how any Member of this House, after reading all the literature which has been in their possession for the last 3 or 4 days, can still think that this Bill is not wanted. I quite realise that no newspaper with a light heart can support a Bill which restricts the liberty of the Press, but it does not restrict the liberty of the Press. I am sure all newspapers which will take the Bill in its true spirit will support this very salutary measure. If you will only permit me, Sir, I will quote one passage from the *Statesman* and conclude, because that passage clears the whole position.

“ Freedom of expression of opinion on all ordinary matters of political controversy is rightly regarded as one of the most precious privileges of His Majesty's subjects throughout the Empire. But in India, it is precisely this freedom that is in danger, not because of any attack upon it by Government but because of the intolerance and violence of a section of the public. The Government Bill is really a measure for the protection of Indian editors who at present live under a terrorist régime. Some editors there are who are themselves believers in violence, and the Government in support of its case, has issued a selection of writings which unfortunately leaves no doubt upon this point.”

Sir, with these few words, I support the motion of my Honourable friend, the Home Member, and congratulate him for bringing forward this Bill, which every law-abiding citizen would consider as a just and proper measure. (Prolonged cheers.)

Mr. C. S. Ranga Iyer : Sir, in the course of the very interesting discussion we have been having on the Press Bill, the House seems to have forgotten the introductory speech of the Honourable the Home Member. Sir, charged as he was with such a heavy responsibility, he observed that great restraint, which is so very difficult to observe under such circumstances, especially in the light of the revelations that we have had from the Honourable the Leader of the European Group. If the country was surrounded by terrorists on all sides, if terrorist propaganda was being carried on without any check and without any restraint, if little children, as the last speaker was pleased to inform us, were associating the name of Mahatmaji and the terrorist in the same breath, if, indeed, the situation was so very dreadful, I should have imagined the Honourable Member responsible for the administration of law and order in this country talking a little more vigorously than he did. (Laughter.) I do not believe, Sir, that on this particular occasion he spoke even with the warmth with which he introduced the Public Safety Bill. At that time he thought that the heavens would fall if the Bill was not passed. The Bill was not passed and the heavens have not fallen. He has told us that this is an emergency measure. He has told us that a great urgency exists in the country to-day to pass a measure of this kind, and the Honourable the Leader of the European Group, with the responsibility attaching to his position alike as the leader of the European Press out in this country, said that we must pass it very quickly. When he said that we must pass it very quickly he was fully aware of the fact that a measure of this kind leaves alone the papers with which he is connected and of which he is in charge, papers which breathe the language that he uses are not at all affected by a Bill of this kind. Leave alone a Bill of this kind, a Bill that was introduced in the Morley-Minto times by Sir Herbert Risley, the old Press Bill, left the Anglo-Indian papers unaffected. Sir, I do not deny

[Mr. C. S. Ranga Iyer.]

my Honourable friend the little praise he indulged in of his own section of the Press or of his own Press. Nor do I deny him the indignation, the almost righteous indignation, with which he faced the rather feeble accusations of my Honourable friend, Mr. B. Das, the Whip of my party.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President).

Sir, he seemed to imagine that the charges that Mr. Das levelled were unjustified. He seemed to think that his paper, and his party, and his politics were being unnecessarily dragged in, but we know that the real inspirer of this Bill is not the Home Department, but the campaign that has been carried on in the Anglo-Indian Press. (Hear, hear.) A sort of professional jealousy, a sort of professional rivalry does exist between the *Statesman* of Calcutta and the other Calcutta newspapers, some of which are quoted in the compilations that we have been supplied with by the Home Department. And, Sir, a professional rival ought to be a little more careful when he begins to talk on a Press measure of this kind. A man who belongs to the Press and who knows that his Press is going to be unaffected, judging from the history of the Press Act in the past,—that man ought to have observed at least the restraint that the Honourable the Home Member was pleased to observe. But the curse of this country, the curse of political journalism in this country has been that the Anglo-Indian newspapers have got a charter as wide as the wind to blow on whom they like. They are the “unchartered libertines” of Indian journalism, or for that matter, of universal journalism. In no other part of the world have the journalists such liberty to blow on whom they like. Do we not remember the manner in which the Calcutta *Statesman* came down upon the Viceroy of India when the Capital was changed? Do we not recall the manner in which the *Englishman* of Calcutta instigated the deportation of a Viceroy, I mean Lord Ripon? Facts recorded in Lord Curzon’s volumes on “The Government of India” reveal as to how the Anglo-Indians of Calcutta conspired to capture and to deport Lord Ripon because he was trying to abolish racial discrimination. They wanted to deport Lord Ripon, *via* the Cape of Good Hope because the Suez Canal had not been pierced at that time. In these days, if a Viceroy happened to offend them, they would have him deported by the air mail. (Laughter.) So uncontrolled is the irresponsibility of the Anglo-Indian newspapers....

Mr. F. B. Leach (Burma : Nominated Official) : May I ask the Honourable Member if these newspapers ever recommended the murder of Lord Ripon?

Mr. B. Das : They did worse.

Mr. C. S. Ranga Iyer : An Honourable gentleman sitting on the other side has put a most interesting question, “Did these Anglo-Indian newspapers ask for the murder of Lord Ripon?” I shall presently answer that question. But before answering that question I propose to put another question to him. Has any Congress newspaper ever since the beginning of the Congress asked for the murder of a Viceroy? Have any Congress newspapers in this country conducted by responsible, or for the matter of that, by irresponsible people, made such a monstrous suggestion? As for the events connected with the Viceroyalty of Lord Ripon,

perhaps my Honourable friend is not aware of how they shaped the subsequent course of Indian history and the evolution of Indian nationalism. When the Anglo-Indian news-papers cried for the head of Lord Ripon, the Indian people stood by him as one man. And it was the paper of Sir Surendranath Bannerjee, then "a Bengali agitator" as the Anglo-Indians considered him, that stood by the Viceroy. Lord Ripon's is an honoured name in Bengal and India. Anglo-Indians did not want his murder, but they wanted to murder his reputation. Can you imagine the Anglo-Indian newspapers asking for the deportation of the Viceroy,—asking for his being arrested in the Government House and being deported? That is worse than murder—murdering the Viceregal reputation, murdering the prestige. (Applause.) When I say worse than murder, I do not talk of murder in cold blood, because I have already said that nobody talked of murder, but I do say that the Indian papers were loyal to Lord Ripon when most disloyal were the Anglo-Indians. The need for a decent platform was then felt by the Indian leaders who immediately organized themselves and founded the Congress because they had to combat the Anglo-Indian Press and Anglo-Indian agitators and Anglo-Indian conspirators. The revolutionaries, we know, believe in murder and murderous conspiracies and when they talk of murder we do not pretend to be, so shocked as we naturally are when we find Anglo-Indian newspapers hatching a conspiracy for the deportation of a Viceroy....

Mr. Arthur Moore : I do not wish to interrupt the Honourable Member, but here there is direct incitement to the murder of the Viceroy.

Mr. C. S. Ranga Iyer : What is the newspaper which says that?

Mr. Arthur Moore : *Sramik* of Calcutta.

Mr. C. S. Ranga Iyer : I have not heard the name of that newspaper, and I do not know whether the Honourable gentleman knows what its circulation is, coming as he does from Calcutta.

Mr. Arthur Moore : You do not live in Bengal.

Mr. C. S. Ranga Iyer : As the Honourable Member lives in Bengal, I should like him to tell me what is the circulation of that paper which he mentions.

Mr. Arthur Moore : I have no idea of what its circulation is, but it is in the vernacular and is read out to many people who themselves cannot read.

Mr. C. S. Ranga Iyer : The Honourable gentleman admits he does not know what is the circulation of that paper. A well circulated paper I do not think has made that suggestion and a paper which makes that suggestion ought to have been long ago proceeded against by a responsible Government. Obviously, that paper has not been proceeded against, because they wanted to provide material for giving a bad name to the Indian Press and hanging the whole lot of it. (Hear, hear.)

Sir, the Honourable the Leader of the European Group denied having sent a telegram to Mr. Lloyd George, to Mr. Baldwin, and the Prime Minister. He told us that he sent no telegram at all....

Mr. Arthur Moore : On a point of personal explanation. I said nothing of the kind.

Mr. C. S. Ranga Iyer : When I said that a telegram was sent by the Honourable Leader of the European Group to the Prime Minister, to Mr. Lloyd George, and to Mr. Baldwin, I thought he denied the fact of having sent a telegram like that. I am glad I misunderstood him : My Honourable friend rated my friend, Mr. B. Das, with Congress leanings. The Honourable gentleman, according to the *Statesman* of Calcutta of 12th August 1931—and here I must thank the Honourable the Publicity Officer, Mr. Ramashankar Bajpai, for having supplied me the papers containing this information the moment I asked for them with the admirable promptitude with which he always supplies information to Honourable Members opposite, even as he supplies information to Members on this side of the House who seek it. I thank him for the papers. And the *Statesman* of Calcutta says that a telegram was sent, I am sure my Honourable friend, Mr. Moore, will not deny the fact of having sent a telegram. In one respect I must congratulate the Honourable the Leader of the European Group on the fact that he was something of a prophet so far as asking the British parties to form a National Government was concerned. I never thought that the Anglo-Indian community in Calcutta was trying to lead the British parties in England ! In that particular respect he has proved an unexpected prophet. In their telegram to the leaders of all three political parties in England, the Leaders of the European Groups in the Assembly and in the Bengal Council called attention to “ the Congress policy of secession under threat of terrorism.” (*Cries of “ Shame.”*) This telegram was sent at a time when the Gandhi negotiations were supposed to have broken down and it was imagined by a community which is bankrupt of statesmanship that statesmanship in India and statesmanship in England was bankrupt, a community which was described by Lord Morley in his remarkable “ *Recollections* ” as that “ unsympathetic tribe, the Anglo-Indians of Calcutta.” The late Mr. Montagu, the father of Indian reforms, whose name will live in history and in the generous recollections of generations yet unborn, (Cheers), has described with much pathos and some humour in his latest book, “ the Indian Diary ” what obstructions were placed in his way by the Anglo-Indian community, and he named the *Statesman* of Calcutta and one of the predecessors of Mr. Arthur Moore. He made mention of a good deal of “ murmuring, muttering, and handkerchief ”. We have got the evidence to-day of the persistence of the same mentality in the Honourable the Leader of the European Group, who had the audacity to take my friend, Mr. Das, to task. While reactionaries on both sides of the ocean were working for the breakdown of the Gandhi-Irwin settlement, he sends a rattling telegram to the leaders of the English parties not to have anything to do with the Congress because it threatened secession ! The days of the old saying “ East is East and West is West and never the twain shall meet ” as aptly quoted by the Home Member are gone by, but the Anglo-Indians want to bring back those days, and that was why this telegram was sent to Great Britain. It was sent at a time when statesmen both in India and Britain were anxious to cement Indo-British relationship and unite India and England with the golden link of love and loyalty. It is because the leaders of the Anglo-Indian group discovered a rift in the lute that they decided to send this telegram. Representing the European Groups in the Central Legislature and the Bengal Council, Mr. Arthur Moore and Sir Lancelot

Travers addressed the following telegram to the Prime Minister, Mr. Stanley Baldwin and Mr. Lloyd George: "Representing the European Groups in the Indian Central Legislature and Bengal, we desire to call your attention to India where the declared policy of certain Congress leaders is to force the Round Table Conference to agree to secession from the Empire under threat of terrorism,"—a "disgraceful" telegram to borrow the language of Mr. Arthur Moore himself on a less important occasion. I say less important occasion, because my observations made in this House at that time, however, inconvenient and however unpleasant, have fortunately moved the U. P. Government under the Governorship of that great man, Sir Malcolm Hailey, the ablest politician in the Indian Civil Service, to take action on the matter which I discussed in this House in the manner which I expected he would and he did to the satisfaction of the U. P. people—I refer to the Cawnpore episode. This is a disgraceful telegram, more disgraceful anyway than my speech was accordingly to Mr. Moore on that occasion, calling upon the Government to set up a commission of inquiry. I was in possession of the facts relating to the tragedy that took place there. I was dealing with a matter relating to Cawnpore in the neighbourhood of which I have lived for the last 17 years. My opinion was challenged at the time and the Honourable gentleman was pleased to call it disgraceful when I exposed awful happenings and insisted that a commission ought to be appointed to enquire into them. I am glad that my opinion was acceptable, and the U. P. Government appointed a commission. I am glad that the Resolution of the U. P. Government proves that there was some grace and sincerity in my suggestion. But here is a telegram, a disgraceful telegram, which calls upon the Government in England, to bang, bar and bolt the door against the Congress by misleading them, when we are all anxious to unite and come to an understanding. Mr. Moore knew that the sole delegate of the Congress was none other than Gandhi.

Mr. Arthur Moore : On a point of personal explanation, Sir.

Mr. C. S. Ranga Iyer : I am willing to give way, if you will speak up.

Mr. Arthur Moore : My Honourable friend says that what I did was unstatesmanlike. Might I refer him to a much earlier statement in the *Liberty* of 28th March :

"In the telling language of Pandit Jawaharlal Nehru—this is during the period of the negotiations about the Round Table Conference—when England speaks to us about the settlement, there would be the corpse of Bhagat Singh between us."

Mr. Deputy President : I thought the Honourable Member was going to make a personal explanation. It is certainly not a personal explanation if the Honourable Member is quoting an extract in refutation of another Honourable Member's argument.

Mr. Arthur Moore : I was endeavouring to make one. The explanation is with reference to the telegram which the Honourable Member read out, which he assumed was an attempt to wreck the Round Table Conference. Certainly it was not in any sense suggested that Mr. Gandhi should not be present at the Conference ; nor is it true that these efforts were coming from the Anglo-Indian side and not from the other. It is for that reason that I referred to that statement.

Mr. C. S. Ranga Iyer : I could not distinctly hear the Honourable gentleman (*A voice :* "I could not also hear") and my leader, Sir Hari

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Singh Gour, says that he has not heard him either, but I believe he stated that his object was not to wreck the Round Table Conference, whereas that of Pandit Jawaharlal was to wreck it. The Pandit spoke so *before* the Gandhi-Irwin pact was signed whereas the telegram was sent *after*. Mr. Moore's object was to keep out Gandhi and to stage the Round Table Conference with Gandhi left out. I think he wanted to stage "Hamlet" without Hamlet.

Mr. Arthur Moore : No.

Mr. C. S. Ranga Iyer : Yes, I could tell you how. I am in possession of an interview which Mr. Arthur Moore granted to a representative of an Anglo-Indian paper in Madras, the *Madras Mail*, on the 12th August, 1931. The *Madras Mail* published the following statement under the following head lines :

" MYTHICAL TRUCE,"

" DELHI PACT AND AFTER,"

" LABOUR PARTY'S FAILURE."

" Following receipt of the information that Mr. Arthur Moore, the Leader of the European Group in the Legislative Assembly, and Sir Lancelot Travers, the Leader of the European Group of the Bengal Legislative Council, had cabled to Mr. MacDonald, Mr. Baldwin and Mr. Lloyd George suggesting the formation of a National Government in Britain to control Indian affairs as published in this paper on Saturday, the *Madras Mail* arranged for a special correspondent to interview Mr. Arthur Moore. The following message was received this (Tuesday) morning. Mr. Arthur Moore pointed out in an interview that the present Labour Government since the outbreak of terrorism had shown themselves incapable of discharging satisfactorily their ultimate responsibility to Parliament and were evidently completely paralysed by the failure of their policy. And then he said that ' a change of heart had been anticipated from the Delhi Settlement, but the only outcome had been that the Congress had given a further display of their hatred and contempt for Britain. Labour's policy has been to put their trust in the Congress, but they have been let down '."

Well, the fact is that the sole delegate of the Congress, in spite of Mr. Arthur Moore's telegram, is on his way to England, and the fact is that every Congress organization in India has adopted the message of Mahatma Gandhi, has congratulated Mahatma Gandhi on his decision to take part in the Round Table Conference and has asked him to bring back the olive branch of peace to this country,—not " truce " but peace as was said by our great Viceroy speaking at the Chelmsford Club.

(At this stage, Mr. President resumed the Chair.)

Sir, I am only pointing out that the Anglo-Indian community has shown itself to-day in this House in as bad a light as Mr. Morley described it in his " Recollections " and as bad as Mr. Montagu described it in his " Indian Diary " and as bad as Mr. Arthur Moore has shown himself to be in his speech to-day (Laughter). So much for the duel of Mr. Arthur Moore with Mr. B. Das and for his denial of a telegram which I asserted on the floor of this House he had sent and which fortunately he has now accepted as true on my production of documentary proof (Laughter).

Now, Sir, let me deal with the more respectable, with the more responsible, and with the more restrained speech of the Honourable the Home Member. I was almost going to say " the Honourable the Leader of the House ", and there is absolutely no difference in this debate between the Honourable the Leader of the House and the Honourable the Home Member because the Home Member leads the debate. Sir, my

objection is fundamental so far as this Bill is concerned, though on one principle, the suppression of terrorism, I have complete sympathy with the Honourable the Home Member. Sir, we do not want terrorism in this country ; and I do not believe that terrorism can do much in this country when the feeling of the people is either constitutional or in favour of the principle of the Mahatma, viz., " non-violence ", and therefore I do not think that, between the constitutionalists on the one side and the followers of non-violence on the other, the terrorists will have much chance. As for the newspaper quotations indulged in by Mr. Arthur Moore, all I can say is that these newspapers were before this never known to us—not until the Government discovered them ! But when they discovered them, I wish they had also suppressed them,—because there is sufficient power in the armoury of the Government, there is a sufficient number of sections in the penal law of India for the Government to proceed against these newspapers, one of which, if Mr. Arthur Moore's quotation is correct, wanted the destruction of the highest authority in this land for whom every man in India entertains the highest regard. If such a statement had been made, and such a paper still continued in existence, I should only say that the Government do not know how to carry on their job. I can only say that they have buried all their penal laws because they want something stronger than penal laws to deal with these things.

Coming to the section to which my friend, Mr. Shah Nawaz referred, our fundamental objection so far as this Bill is concerned is to sub-clause (i) of clause 4, in which the Government have borrowed the very sections, almost the very identical language which was condemned by no less an authority than a very great Judge of a great High Court, none other than Chief Justice Jenkins. Sir, sub-clause (i) of clause 4 reads :

" (1) Whenever it appears to the Local Government that any printing-press in respect of which any security has been deposited as required by section 3 is used for the purpose of printing or publishing any newspaper; book, or other document containing any words, signs or visible representations which are likely or may have a tendency, directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication or otherwise, to incite to or to encourage the commission of any offence of murder or any offence involving violence, or to express approval or admiration of any such offence, or of any person, real or fictitious ",

and so on and so forth.

This, Sir, is clearly dangerous in Chief Justice Jenkins' view, and I know the biggest attack will be made against it on the floor of this House and outside this House. Sir, Chief Justice Jenkins condemned this operative clause, in the famous Mahomed Ali case in unforgettable words. In that particular case it was a pamphlet that was considered by the High Court and in future it will not be pamphlets alone but newspapers containing words of the nature described in sub-section (1) of section 4, I do not know whom I should congratulate for sticking, with that eminent consistency for which bureaucrats are so well known, to almost the identical clause. I do not know whether I should congratulate my friend, Sir Lancelot Graham (Laughter). Consistency is certainly one of his virtues, and one of the virtues of this particular Bill,—very ably drafted, very carefully drafted, very ambitiously drafted, and most comprehensively drafted ! It does not want to leave a single loophole for any offending newspaper, offending, mind you, not according to a court

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of law, but offending according to the Magistrate, the executive officer I shall come to that presently ; but let me pronounce the condemnation of Chief Justice Jenkins of the Calcutta High Court ; and after pronouncing that condemnation, I shall see what effect the condemnation has had on the draftsman of this Bill and on the Government which has introduced this Bill. Sir, according to Chief Justice Jenkins :

“ The provisions of section 4 are very comprehensive, and its language is as wide as human ingenuity could make it.” (Laughter.)

Yes. It is as wide in this Bill as human ingenuity can make it.

“ Indeed, it appears to me to embrace the whole range of varying degrees of assurance, from certainty on the one side to the very limits of impossibility on the other.” (Laughter.)

“ It is difficult to see to what lengths the operation of this section might not plausibly be extended by an ingenious mind. They would certainly extend to writings that may even command approval.”

“ An attack on that degraded section of the public which lives on the misery and shame of others would come within this widespread net : the praise of a class might not be free from risk. Much that is regarded as standard literature might undoubtedly be caught.”

And, Sir, that section is being retained in spite of that pronouncement.

Mr. K. Ahmed : What is the reference ?

Mr. C. S. Ranga Iyer : I must inform my Barrister friend, the Honourable Mr. K. Ahmed, the reference is : Indian Law Reports, Calcutta Series, 1914, the Mahomed Ali case (The late Mr. Mahomed Ali of *Comrade* fame).

Mr. K. Ahmed : All right, thank you, Sir.

Mr. C. S. Ranga Iyer : I am delighted that the Honourable gentleman also considers that it is all right. (Laughter.)

Mr. K. Ahmed : My learned friend is taking advantage of the situation. I merely asked for a reference and he is taking advantage of it and making out a point which does not arise. I am sure no amount of books of logic will support his case, nor an inference of the kind can rightly be drawn.

Mr. C. S. Ranga Iyer : Then the Honourable gentleman differs from the Chief Justice of Calcutta. (Laughter.)

Mr. K. Ahmed : I never said anything of the kind either this way or the other. He is talking of something which is quite an irrelevant conclusion of his.

Mr. C. S. Ranga Iyer : If a Barrister of the Calcutta High Court were to consider the pronouncement of the Chief Justice Jenkins on sub-clause (1) of clause 4 of this Bill as irrelevant, then I am sorry to say that the Barrister is living in a paradise of his own laughter.

Mr. K. Ahmed : My Honourable friend is talking without any sense or logic, and without any reference to the question under discussion and I have yet to see how he has got a leg to stand upon. (Laughter.)

Mr. President : Order, order : The speech should now be resumed

Mr. C. S. Ranga Iyer : I thank you, Sir.

Sir, the most important point that we on this side make is against sub-clause (1) of clause 4 of this Bill. That is the crux of the whole Bill. If the operative clause had been put in the preamble itself, I would have welcomed it, because it would then have shown as by a flash of light the intention of the Government. Read in the light of this operative clause, the most objectionable sentence that follows is "any offence involving violence". So far as murder is concerned, I can understand it. So far as the glorification of an assassin is concerned, perhaps I might make a few observations, I have no sympathy with him, constitutionalist as I am. But I know from the experience of various Indian newspapers and my own, that this one little sentence, this one little phrase—"any offence involving violence"—puts in the hands of the Government a weapon to proceed against any newspaper which is not friendly with the Government and any newspaper which is not in the good books of the district officer. Sir, when Mr. Lambert was the Secretary to the Government of the United Provinces (Mr. as he then was) I was the recipient along with Pandit Jawahirlal Nehru as the Editor of the *Independent* of a *locus poenitentiae* contained in a letter which has since become public property. I rejected that bureaucratic benevolence. I was proceeded against by the United Provinces Government and given one year's rigorous imprisonment in His

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Majesty's hotels, vulgarly called the jails, because I received the very best attention anybody could receive. I had also a special train to proceed from Allahabad to Agra which few politicians or, for the matter of that, officials have. (Interruption by Mr. Amar Nath Dutt.) My friend, Mr. Amar Nath Dutt, says that even the Executive Councillors must have looked at it with an amount of pardonable envy. And the charge that was levelled at me at the time—and the intention of the Government was obviously to proceed against me under section 124-A—was the preaching of violence, while I was associated with Mahatmaji at the time and the late Pandit Motilal Nehru and my paper was preaching at the time not violence but non-violence. It was condemning the violence of the Government, and in every article that we had published we had said that the policy that the Government was adopting in Rai Bareilly, where some Talukdars had taken rather drastic action or something of that nature, when innocent *kisans* had been shot,—would strain the nerves of the people. We called upon the people, in spite of the drastic action of the Government, to remain non-violent and we said in that article that if there were violence in our movement, let it be the violence that is inflicted upon us. I replied to the letter of the United Provinces Government that I had not preached violence but condemned official violence and would continue to condemn it. And then what happened? They did not proceed against me under section 124-A but they proceeded under section 108, otherwise I would not have been a Member of this Legislature, because it was a security section under which there could be no conviction, speaking legally. Now, Sir, if a newspaper in Bengal,—wherefrom Mr. Arthur Moore carries on his controversial campaign against his professional rivals who are likely to come under this Press Act though he might incidentally increase the circulation of his own paper by getting them suppressed,—were to say: "If the Government were to behave so disgracefully as they did behave in Bombay to which Congress hospital was a witness, when on a peaceful procession they let loose men armed with *lathis* to play on their backs, to wound them, to kill them or to send them

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to a hospital wherefrom they never returned without losing a limb". If such an event takes place, a newspaper in Bengal is bound to say that "These things will stir the blood of the people". If it says so, there is an insinuation because there is the phrase—"bound to stir the blood of the people". The paper does not say: "Go and retaliate violently": it says: "Adhere to Gandhi: do not lose your heads, though these are the occasions when we are bound to lose our heads. It strains our feelings: it makes us behave as they do in Europe and as they did in Ireland and America. On occasions like this violence is met with violence: but that will be a most foolish thing to do, a most dangerous thing to do, because it would defeat our non-violent movement". If a paper were to write like that, then what would happen? This operative clause of section 4 comes into operation and punishes the Press. The Press cannot escape punishment because the section says "are likely or may have a tendency, directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication or otherwise". (Laughter).

Mr. K. Ahmed: Why don't you let the Bill come from the Committee?

Mr. C. S. Ranga Iyer: I propose to ignore the Honourable gentleman.

And, Sir, it is this "otherwise" which was commented upon by Justice Jenkins in the following words. He said:

"Nor is that all, for we find that the Legislature has added to this, the all-embracing phrase 'or otherwise'."

I do hope that this Legislature, after the warning of Chief Justice Jenkins of Calcutta, will not repeat that blunder.

Then, we may be told by the Honourable the Home Member that when a forfeiture of security is made, there is an appeal to the High Court. Here is another fundamental objection. It is bad enough in all conscience that the District Magistrate or the Deputy Commissioner is to set up the criterion of journalistic goodness, but it is much worse, I say, that there should be no right of appeal to the High Court before the security is deposited. We are invited to deposit a security not as under the old Press Act of a maximum of Rs. 2,000, but if it pleases the Magistrate and if the paper is supposed to have offended in the past—mark not in the present or in the future—if it is supposed to have offended in the past, we are invited to deposit a security of Rs. 5,000. I think it is not necessary to read that clause because I believe the Honourable the Home Member agrees with my statement.

Mr. K. Ahmed: That will be considered in the Select Committee.

Mr. C. S. Ranga Iyer: We have got to consider it now. What we say here is not only being heard in the galleries, but it is being overheard by a good many millions out in the country. It is being heard in this House also. In the open day light let us have a little bit of plain speaking as to what we consider this Bill to be before we think of going to the Select Committee.

Mr. K. Ahmed: Sir, I think.....

Mr. President : I have called the Honourable Member to order several times.

Mr. C. S. Ranga Iyer : That is a very important matter. Before a security is deposited.....

Mr. K. Ahmed : I rise to a point of order, Sir. Is there a time limit for speeches ?

Mr. President : Will the Honourable Member tell me what his point of order is ?

Mr. K. Ahmed : Is there no time limit for a speaker ?

Mr. President : The Honourable Member is referred to Rules and Standing Orders. (Laughter.) There is no time limit when legislation is being discussed.

Mr. Gaya Prasad Singh : And yet the Honourable Member has been one of the oldest Members of the House.

Mr. C. S. Ranga Iyer : That is a matter which has to be regulated in the Select Committee. This is what the sub-clause says :

“(3) Whenever it appears to the Local Government that any printing-press kept in any place in the territories under its administration, in respect of which a declaration was made before the commencement of this Act under section 4 of the Press and Registration of Books Act, 1867, is used for any of the purposes described in section 4, sub-section (1), the Local Government may, by notice in writing, require the keeper of such press to deposit with the Magistrate within whose jurisdiction the press is situated security to such an amount, not being less than five hundred or more than five thousand rupees as the Local Government may think fit to require, in money or the equivalent thereof in securities of the Government of India.”

Sir, this is another unusual feature of the Press Bill. According to the old Press Act, you were asked to deposit security up to a maximum of Rs. 2,000, but according to the new Press Bill, apart from this Rs. 2,000, there is another Rs. 5,000. Under the old Press Act, the keeper of the press alone was expected to deposit security, but under this Bill not only the keeper of the press is called upon to deposit security, but also the publisher of the paper is called upon to deposit security. That is trying to wring out in these impecunious times more money, and for an impecunious Government perhaps this is an attractive way of making money. (Laughter.) They are trying to wring out of these newspapers and presses, Rs. 20,000, whereas in better times they wanted only Rs. 10,000 maximum.

Then, Sir, the other ugly features of the old Press Act are retained in this and as the subject is important I must go into it fully.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

When the security is forfeited, the burden lies upon the offending keeper of the press ; he has to prove the negative of the Act. On this I will invite the attention of the House to the judgment of Chief Justice Jenkins on the impropriety, I would not call it impropriety, because it would not be correctly representing the opinion of that esteemed Judge, I would just invite your attention to the serious nature of a procedure like that, that is inviting the applicant to prove the

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negative of the Act as interpreted in the operative sub-clause (1) of clause 4. He says :

“ The Advocate General has admitted and I think very properly that the pamphlet is not seditious and does not offend against any provision of the criminal law of India.”

This measure is meant not for newspapers which offend against the criminal law of India nor for suppressing sedition, but for suppressing the Press.

The Chief Justice goes on :

“ But he has contended and rightly in my opinion is that the provisions of the Press Act extend far beyond the Criminal law and he has argued ”,

and that argument applies to this particular Bill which we are considering to-day,

“ he has argued that the burden of proof is cast on the applicant so that however meritorious the pamphlet may be, still if the applicant cannot establish the negative, the Act requires, his application must fail, what is the negative. It is not enough for the applicant to show that the words of the pamphlet are not likely to bring into hatred or contempt any class or section of His Majesty's subjects in British India or that they have not a tendency in fact to bring about that result, but he must go further and show that it is impossible for them to have that tendency either directly or indirectly and whether by way of inference, suggestion, allusion, metaphor or implication. Nor is that all, for we find that the Legislature has added to this the all-embracing phrase ‘ or otherwise ’.”

Sir, this is an objection which must go from this Bill, an objection which has been pointed out by as great an authority as the Chief Justice of the highest High Court in India.

Then, we come to the powers of the High Court. There is a sort of shadowy provision in this Bill about the powers of the High Court :

“ Any person having an interest in any property in respect of which an order of forfeiture has been made under section 4, section 6, section 8, section 10 or section 19 may, within two months from the date of such order, apply to the High Court for the local area in which such order was made, to set aside such order on the ground that the newspaper, book or other document in respect of which the order was made did not contain any words, signs or visible representations of the nature described in section 4, sub-section (1).”

That is narrowing the jurisdiction of the High Court with a vengeance. In the words of Chief Justice Jenkins :

“ The High Court's power of intervention is the narrowest : Its power to pronounce on the legality of the forfeiture by reason of failure to observe the mandatory condition of the Act is barred : The ability to pronounce on the wisdom of the executive order is withheld : and its functions are limited to considering whether the applicant to it has discharged the almost hopeless task of establishing that his pamphlet ”.

in the present case, any and every writing,

“ does not contain words which fall within the all-comprehensive provision of the Act.”

(Interruption by Mr. K. Ahmed.)

You may think so but Chief Justice Jenkins of Calcutta does not think so and people in this House believe his to be the better opinion than your own whatever you may think of it.

“ I describe it ”

says Chief Justice Jenkins :

" as an almost hopeless task because the terms of section 4 are so wide that it is scarcely conceivable that any publication would attract the notice of the Government in this connection to which some provision of that section might not ' directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication or otherwise ' , apply. I have said that the ability to pronounce on the wisdom or unwisdom of executive action has been withheld."

So is it being withheld in this Press Bill. I wonder why Government, after the guidance that they have received from such a high quarter, have withheld it. Sir, this is also a matter which will have to be considered very carefully and this House cannot accept this Bill with these reactionary clauses in it. Under it future Judges will be as helpless as Justice Jenkins.

Sir, I must now only compare the urgency that Government have felt on this occasion to a similar urgency that the Government in the nineteenth century appear to have felt. Lord Lytton as the author of the Vernacular Press Act, the first Press Act that disgraced the Statute-book, sent the following telegram to the Secretary of State in 1878 when he said :

" We have accordingly prepared a Bill and I propose to pass it at a single sitting on the plea of urgency, which is not fictitious, afterwards reporting to you our proceedings in detail. If the measure becomes an accomplished fact and declared by us as urgently necessary in the interests of public safety it will probably be accepted with far less objection than if it had formed the subject of previous discussion."

Therefore, when Mr. Moore says that we must pass it quickly. I can only say that he is living in the spacious days,—were those days so spacious as these ?—of Lord Lytton. Sir, the liberties of the Press are being assailed by this Bill. What are the liberties of the Press ?

" The liberty of the press "

says Lord Mansfield,

" consists in printing without any previous license subject to the consequences of law."

" The law of England "

says Lord Ellenborough, another great Judge,

" is a law of liberty, and consistently with this liberty we have not what is called an imprimatur. There is no such preliminary license necessary but if a man publishes a paper he is exposed to the penal consequences as he is in every other act, if it be illegal."

Why should not the Government, if they found the ordinary law of the land not competent to deal with the situation, continue their policy of making Ordinances and taking all the odium on themselves ? Behind them there will not be the responsibility of the House. An Ordinance is an act of State. It is an act of the Governor General under the constitution, but it will not be an act of the Legislature....

Mr. Deputy President : May I ask the Honourable Member how long he will take to finish his speech ?

Mr. C. S. Ranga Iyer : I may take another hour.

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Mr. Deputy President : In that case I would suggest that the Honourable Member should resume his speech on the next discussion.

I should like to remind Honourable Members that His Excellency the Viceroy will address Members of the Indian Legislature at Eleven o'clock on Monday. The House will now adjourn till a quarter past twelve on Monday.

The Assembly then adjourned till a Quarter Past Twelve of the Clock on Monday, the 14th September, 1931.

LEGISLATIVE ASSEMBLY.

Monday, 14th September, 1931.

ADDRESS BY HIS EXCELLENCY THE VICEROY TO THE MEMBERS OF THE COUNCIL OF STATE AND THE LEGIS- LATIVE ASSEMBLY.

H. E. the Viceroy : Gentlemen of the Indian Legislature, as a preliminary to my general remarks this morning, I wish at once to make reference to the tragic death of Sir Steuart Pears, the Chief Commissioner of the North-West Frontier Province, which occurred at Nathia Gali on the 9th of this month. In him the Government of India have lost an officer of wide experience, sound judgment and immense knowledge of the Frontier, whose services could ill be spared at the present juncture. I wish to pay this brief tribute to his memory and to tender to Lady Pears an expression of my deep and sincere sympathy, with which, I am sure, you will all desire to be associated.

I consider it a great privilege and pleasure, as Viceroy of India, to meet to-day and to welcome Honourable Members of both our Legislative Chambers, who are gathered here to assist and advise my Government on the important matters which will be laid before them during this Session for their consideration. I should like to extend a special word of greeting to you, Sir Henry Moncrieff Smith, who, as President of the Council of State, have upheld the dignity and usefulness of our second Chamber during the period of your tenure of that high office. And I am delighted to extend an equally sincere greeting to my old friend, the President of the Legislative Assembly, for I feel that it is to me a particularly happy augury that in his person I am renewing an association full of pleasant memories of the days when Sir Ibrahim Rahimtoolah gave me such valuable assistance in guiding the destinies of the Presidency of Bombay.

We are met at a time when the future development and progress of India are engaging the attention of our delegates in London, and we all trust that their discussions with their British fellow-delegates, which have just recommenced, may produce the best possible results, at a time too when both the political, the financial and economic conditions of the country are causing us all the greatest anxiety and concern. It is surely a time when, more than ever before, all races, classes and communities in India should cultivate the spirit of co-operation, of mutual confidence and trust, for is it not true to say that we all have a great common purpose in view, namely, the handing over to Indians the responsibility of the administration of their local affairs, with a view to securing for India an absolutely equal position alongside the other Dominions within the British Empire ? Let me now give you some information as to such important happenings that have taken place, such fresh problems that will have to be faced, since last Honourable Members met for their administrative duties.

I am glad to be able to inform you that, in the field of external affairs, our foreign relations are of a perfectly satisfactory character, and that our relations with the Foreign States whose boundaries adjoin India continue most cordial in every way.

Let me turn your attention for a few moments to inter-Imperial relations.

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As Honourable Members are aware, the Government of India deputed the Right Honourable V. S. Srinivasa Sastri to represent them before the Joint Select Committee of the two Houses of Parliament in London on the question of East Africa. Mr. Sastri gave evidence before the Committee towards the middle of June, and widespread satisfaction will be felt at the fact that, on the question of Closer Union, the views, which the Government of India finally authorised him to express on their behalf, were in complete accord with those of non-official Indian opinion, both in this country and in East Africa. My Government now await the report of the Committee with great interest.

The depression in the rubber and, latterly, in the tea industry has seriously affected the Indian labourer in Malaya and Ceylon. The Governments of these two territories have shown a commendable spirit of co-operation with us in ensuring that the measure of sacrifice imposed by the economic crisis on the Indian labourer is not proportionately greater than what he can legitimately be expected to bear along with the other elements engaged in the industry, and that the labourer, who is not prepared to bear his share of the sacrifice, is repatriated to this country free of cost. My Government are watching the economic situation, in so far as it affects the Indian labourer, with constant and sympathetic vigilance and will do all that lies in their power to safeguard his interests.

When the Order in Council on the subject of the franchise in Ceylon was first promulgated, there was considerable misgiving as to its effect on the Indian aspirant to the vote. It was feared that the requirement of a certificate of permanent settlement would have the effect of debarring a great many Indians from claiming the franchise. Honourable Members will be glad to hear that the great majority of Indians, who have sought admission to the electoral roll, have done so on the strength of domicile which can be established by a proof of five years' continuous residence in the Island. The total number of Indian electors is over 100,000 and it is hoped that, as the Indian population of Ceylon learns to appreciate the value of the vote and of organisation, their numbers will increase. Meanwhile, my Government have learnt with great satisfaction that one of the Indian elected Members of the State Council has secured a seat in the Ministry.

Early in the new year representatives of the Government of India will meet the representatives of the Government of the Union of South Africa to consider matters arising out of the working of the Cape Town Agreement which was concluded in 1927. As Honourable Members are aware, the Union Government, in deference to our representations, have agreed to postpone consideration of the Bill to regulate the tenure and ownership of immovable properties by Indians in the Transvaal until after this Conference which will also consider this projected measure of legislation. My Government are deeply appreciative of the spirit of friendliness of which this decision of the Union Government is a sign, and earnestly hope that it will help to ensure for the Conference an issue satisfactory and honourable both to India and to South Africa. Non-official Indian opinion, both in South Africa and in this country, has been greatly alarmed by this Bill, as also by certain other legislation, of which the recent amendment of the Immigration Act of the Union in respect of the value of Transvaal Registration certificates is the most important. The Government of India are of opinion that there is justifi-

fication for this feeling, but do not despair of a satisfactory settlement of all these questions, provided that the representatives of both Governments approach them with earnest resolution to maintain and, indeed, improve upon the friendly relations which the Conference of 1927 did so much to establish. I feel confident that the interests of India will be fully maintained by her representatives under the wise and able Chairmanship of Sir Fazl-i-Husain.

In his speech at the opening of the Legislative Assembly in January last, my predecessor made reference to the collapse in world prices of agricultural products, and the distress which was thereby being caused. Except in a few cases, there has, I am afraid, been no improvement in the trend of prices since then, and the situation for a country which is as dependent as India on the prices she realises for the products of her fields is one of great anxiety. My Government have been watching the situation with concern. I am glad to be able to say that the reports which we have received show that Local Governments have been adopting vigorous measures to grapple with it. Substantial remissions and suspensions of land revenue have been granted wherever the situation rendered such a course necessary and similar measures have been adopted in respect of local rates and irrigation dues in several Provinces. Agricultural loans have been given on a liberal scale and concessions made in the matter of the repayment of outstanding loans, and when necessary measures have also been taken to open test relief works and to distribute gratuitous relief. In Madras and the United Provinces committees were appointed by the Local Governments to enquire into the existing situation and suggest measures of relief, and the recommendations made by these committees are being given effect to as far as possible. Harvest prospects in themselves, I am happy to be able to say, are promising. The reports which we have received show that except in Sind, Upper Burma and, in particular, parts of Bengal which have recently been visited by the most disastrous floods, the condition of the crops and agricultural prospects are, generally speaking, satisfactory.

What then is wanted to bring about a general improvement in the situation is a rise in prices. For that we must, I am afraid, wait for the revival, which we all hope will not be much further delayed, in general economic conditions throughout the world.

India, as one of the original signatories of the Covenant of the League of Nations, has always taken a prominent part in the deliberations of the Assembly ; and, in accordance with the desire expressed on many occasions by the Indian Legislature, our Delegation is, for the third time, being led by a distinguished Indian. The League, as is well-known, concerns itself not only with its primary objects of disarmament and peace, but also with other beneficent and humanitarian activities ; and in these as well as in the matter of co-operation in the economic and social spheres which form a considerable part of the League's functions, India is largely concerned and her Delegates have always evinced therein a lively interest. I am sure I shall be voicing the sentiments of all of you when I wish Sir B. L. Mitter and his colleagues on the Delegation every success in the work of the Session which commenced last Monday.

In addressing you last January at Delhi, my predecessor referred to the Royal Commission on Labour presided over by my Right Honourable friend, Mr. Whitley, which was then engaged in the concluding stages of its work. The Report of the Commission has since been published, and

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their recommendations are receiving the careful consideration of the Government of India. After consultation with the Provincial Governments, proposals for legislation will in due course be placed before the Legislature. The thanks of the Government and people of India are due to Mr. Whitley and his colleagues for their valuable report based on a very thorough investigation of the conditions of labour in this country.

I should also like to acknowledge the invaluable services rendered on behalf of India at the International Labour Conferences by Sir Atul Chatterjee who has recently relinquished charge of his duties as High Commissioner for India. Sir Atul was associated with the International Labour Organisation from its inception in 1919. Out of the 15 Sessions of the Conference held so far, Sir Atul has attended no less than 11, and from 1926 he has been in addition the permanent representative of the Government of India on the Governing Body of the International Labour Organisation. His election as President of the International Labour Conference in 1927 was a signal honour to India.

I now come to the matter which is that of most immediate practical importance—the financial situation.

At the outset I must express my appreciation of the great services rendered by those chosen by the Legislature to represent them on the various Retrenchment Committees. This is an occasion on which my Government, in a desire to act in a manner responsive to public opinion as represented in the Legislature, have invited the unofficial representatives to join with them, and lend them their support, in performing a very difficult, a very unpleasant, but yet a very necessary task. It is with great appreciation that I have been able to note how whole-hearted has been the response to this invitation. During the past months a great number of your Members have been devoting themselves in different places to an exhaustive examination of the various fields of public expenditure. Their work has been given ungrudgingly, often at great inconvenience and personal sacrifice. One Member, the late Mr. K. C. Roy, whose untimely and tragic loss I, and all of you, so deeply deplore, continued his labours on one of the most arduous Sub-Committees almost to the very moment when he was struck down.

I am glad to have this opportunity to express the appreciation and thanks of myself and of my Government for the public services thus rendered by all members of these Committees.

Their interim reports will receive the most urgent consideration by my Government, for the introduction of practical measures brooks no delay. Let me now say a few words about our financial plans.

In present circumstances, India, like practically every other country, must regard it as her foremost duty to devise means to weather the unprecedented economic storm which is now disturbing the whole world. It is essential in the interests of the country's credit that special action in this matter should not be delayed, and you will be informed shortly of my Government's proposals for dealing with the situation. For the present it suffices for me to announce clearly and decisively that we are determined to meet the situation adequately, and to maintain those principles of sound finance which India has always followed. This time of constitutional change is not one for making dangerous experiments with untried methods. On the contrary, we shall work on the proved

principles which in the long run always reward those who have the courage and tenacity to hold fast to them. I would add that rumours that my Government propose to meet the difficulties by such methods as lowering the value of the country's currency are entirely unfounded.

The plans necessary to restore financial equilibrium will inevitably demand sacrifices from all classes from the highest downwards, and I am confident not only that these sacrifices will be willingly made, but that India will emerge successfully from her present troubles. The intrinsic position of India is thoroughly sound. She has not pledged her credit to finance extravagant or unproductive expenditure; her trade is based on commodities which are necessities for the world, and she can produce them on terms which can compete with any other country. Such difficulties as we must now encounter are caused, not by any internal defects, but by an economic cyclone which has come equally upon all the world, and which no single country by its own isolated action can alleviate. Our task in these circumstances is to preserve the situation until the force of the tempest is past. And, in order that we may succeed in this task, the one great need is that all classes and communities in India, officials and businessmen, Indians and Europeans, town and country, should pull together with a common effort. This is a time for all those who are serving India, or who owe to her their political or economic allegiance, to put the public interest above all thoughts of private gain or political advantage. This is the appeal which I wish to broadcast to the country. If it is heard, then I can safely prophesy that India will emerge strengthened from her trials, and that in years to come she will be able to look back upon the present purging process as an event which, though painful at the time, was a blessing in disguise. The public finances will have been thoroughly overhauled, and the new constitution will start with troubles of this kind behind it, and with a clear road for improvement in the future.

The eyes of India are now fixed on those statesmen who are sitting in London and carrying on the work of constitutional reform which received such an auspicious beginning last winter culminating in the announcement of His Majesty's Government on the 19th of January which went far ahead of any previous declaration of their policy and set the stage afresh for co-operation in the great task of Indian constitutional reform. The delegates attending the Conference will be confronted with many difficult details, but it is a matter of the greatest satisfaction to know that every party is now represented at the Round Table Conference, and it is my earnest hope that an agreed solution will be reached in regard to constitutional matters including an agreement on communal questions to the satisfaction of all communities, especially the minorities, the safeguarding of whose rights has been assured by His Majesty's Government. I would point out that in matters affecting the Reforms my Government has not been idle since the adjournment of the Round Table Conference last winter. Apart from material supplied to the Secretary of State, it has set up enquiries on the lines directed by the Conference. The experts' proposals on the financial consequences of the separation of Burma have been submitted for consideration to the Standing Finance Committee. Copies of the report of the North-West Frontier Province Subjects Committee have been supplied to all Members of the Legislature. The recommendations of the Committee have been conceived on generous lines and will, it is hoped, meet the aspirations of the Frontier Province to stand on a position of constitutional equality with the other Provinces. The Sind financial enquiry is now in progress and plans have already

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been made to set up the Orissa Committee during the cold weather. The Federal Structure Committee in London has already resumed its labours accompanied by the good wishes of all in India, and I must emphasise once again the supreme desirability of maintaining peaceful conditions in India during the discussions which are now taking place, and I appeal with all the emphasis at my command to those who have the interests of this great country at heart to preserve an atmosphere of peace and tranquillity.

We must all have been shocked and horrified at the brutal and senseless murders and attempts to murder which have taken place in this country during the last few months, and I am sure we should all wish to express our deepest sympathy with the families of Mr. Garlick and Khan Bahadur Ahsanullah and Lieutenant Hext who have all met their deaths at the hands of these assassins, and by whose deaths we have lost three officers who in their several ways were giving valuable service to this country and the British Empire. I think too that we should wish to express our feelings of grateful thanks for the Providential escape from death of His Excellency the Governor of Bombay and Mr. Cassells, the Commissioner of Dacca.

A disquieting feature of these tragic happenings lies in the fact that these outrages have been committed for the most part by immature youths who, at the most emotional and susceptible time of their lives, are being, literally, exploited through the teachings and writings of revolutionary leaders to carry out their criminal and murderous designs. While Local Governments are primarily concerned in the arduous and dangerous task of combating this movement, I feel that they are entitled to receive all assistance within reason that we are able to give. I am confident that I and my Government in the performance of our manifest duty can rely on the support of Honourable Members in taking all necessary and reasonable steps to stamp out these terrorist and revolutionary activities which are destroying the fair name of India in the eyes of the world.

I am glad to be able to inform Honourable Members that the situation in Burma, which has for months past been causing us much anxiety and concern, has within the last few weeks been showing signs of marked improvement. It is a matter of particular gratification that there has been a cessation, which I hope will be maintained, of racial and communal strife. I profoundly trust that before long peaceful conditions will once again be the happy lot of that Province.

I am sure you would wish me to express our thanks to officers and men both of the Army and the Police for the admirable way in which they have carried out their duties under the most difficult and trying conditions, and, while we must all sympathise with His Excellency the Governor of Burma and his Government on the difficulties they have had to surmount, I can confidently assure you that their one desire is to get back to normal conditions as soon as possible, to pursue a policy of clemency as far as circumstances will allow, and to take all practicable measures for the relief of economic distress.

In leaving you to carry on your duties, I trust that a great Providence may guide you in your labours and that the results of your deliberations may prove of lasting benefit to our country and to all classes of its people. (Applause.)

The Assembly met in the Assembly Chamber at a Quarter Past Twelve of the Clock, Mr. President in the Chair.

THE INDIAN PRESS BILL—*contd.*

Mr. President : The House will now resume further consideration of the Press Bill.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, at the very outset I think it is but very proper that I should express the feelings on this side of the House in regard to the great and memorable speech that we have been given by His Excellency the Viceroy ; and I may say on behalf of the Opposition that the Opposition wholly endorses the following passage in His Excellency's speech when he referred to a disquieting feature of these tragic happenings as lying in the fact, " that these outrages have been committed for the most part by immature youths who at the most emotional and susceptible time of their lives are being literally exploited through the teachings and writings of revolutionary leaders to carry out their criminal and murderous designs ". Sir, we fully agree with His Excellency that so far as these immature youths are concerned, they are being diabolically misled by revolutionary teachings. His Excellency went on to say :

" I am confident that I and my Government in the performance of our manifest duty can rely on the support of Honourable Members in taking all necessary and reasonable steps to stamp out these terrorist and revolutionary activities."

I assure His Excellency on behalf of the Opposition that His Excellency's Government may count upon Honourable Members to give their help in all necessary and reasonable steps to stamp out these terrorist and revolutionary activities. We are at one with the Government and His Excellency the Viceroy in thinking that these revolutionary activities and terrorist preachings are hampering the healthy and legitimate growth of Indian nationalism.

Now, if I may examine the Bill before us in the light of this observation, I may say straightaway that there are certain things in this Bill which are unnecessary and there are certain things which are unreasonable, and what is unnecessary and what is unreasonable will not receive the support of this House, whereas if the Government were to deal straight with the terrorist movement, instead of trying to rope in the Indian Press. I am sure the opposition on this side of the House would give the Government every encouragement and every support. I shall presently show how this Bill will not and cannot stop the activities of the revolutionaries, and how this Bill will not and cannot put an end to the terrorist movement in India. Was there not a terrorist movement during the days when the Press Act was in existence ? Was there not a terrorist movement during the days when the Press Ordinance was issued, an Ordinance which was issued behind the back of this House and without the authority of this House—an Ordinance or rather a series of Ordinances which the Government ventured to issue soon after the adjournment of the Legislative Assembly ? I shall prove to you how this Press Bill cannot stop terrorist activities. Every one who has some knowledge of the terrorist activities in this country knows the sources from which they draw their inspiration ; every one who has read the

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Rowlatt Report is aware that the terrorist draws his inspiration more from mammoth processions and meetings, more from the platform than from the Press. I shall not follow the example of the Honourable the Leader of the European Group in trying to read out—because we would respectfully bow to your ruling—chunks of extracts from the volumes that the Home Department has so generously supplied us with. But if you read the extracts, you will find in them two or three pages from the *Bombay Chronicle*—two or three pages of what?—two or three pages reporting the proceedings partly of a meeting in Bombay and partly of a procession in Bombay—a mammoth procession consisting of people ten times larger than the circulation of that newspaper could ever be; and what was said on that platform and at that meeting every one in this House knows, as I believe every one in this House has read the volumes of extracts that have been so generously supplied to us by our very good and very ardent Home Member. This Press Bill cannot prevent mammoth processions; this Press Bill cannot stop the repetition of the speeches that were delivered; but, if some little report of a meeting appears in that paper or of the procession, then that paper can be prosecuted, persecuted and destroyed. The men who make the speech and the men who organise the procession will go scot free. It is from these big huge processions that young immature minds derive their inspiration: from black flags they march on to black deeds.

My protest on behalf of the entire newspaper Press in India in my capacity as President of the Upper India Journalists' Association, and my protest against this Bill from my place in the Opposition here, is that the Press is being treated in a manner unworthy of any Government, unworthy of this Government, especially after the good certificate that the Honourable the Home Member in his extremely temperate and closely reasoned speech was pleased to give. Why should there be one law for the ordinary citizen in India and why should there be another law for the Press? Why should there be one law for the platform—and the platform in India to-day is more powerful than the Press—and another law for the Press? The platform to-day in England is quite as powerful as the Press, even though the English Press is known as the Fourth Estate. The mere fact that the Labour Government was His Majesty's Government, even though they had only a little rag of a newspaper in England, shows that the Press is not so powerful in England as the platform. The entire Tory Press and Liberal Press right through all the elections were fighting them; nevertheless they were His Majesty's Government not very long ago. That shows that the platform is powerful in England and that the Press is not so powerful. In India on the other hand the platform is extremely powerful, and the Press is extremely feeble and this feeble thing is going to be destroyed by this Press Act—for it is its destruction and no less that is aimed at by this Press Bill. So long as sub-clause (1) of clause 4 remains unaltered, so long all the evils mentioned by that great Justice of the Calcutta High Court, that famous Englishman, Sir Lawrence Jenkins, remain unmitigated, all the evils which he said accrued from it will continue to accrue from it. Sir, therefore, I do not think that the Government are dealing with us fairly. I do not think that it is proper for the Government, that it is necessary for the Government, that it is reasonable on the part of the Government to expect us to support this Bill.

Sir, a speech was made, after, I believe, the interesting speech of the Leader of the European Group, by an Honourable gentleman from Calcutta, Mr. Ghuznavi. He made certain statements in his speech. He said that in some Calcutta Corporation schools certain teachings were being taught, that little urchins were made to say things which as I now find existed only in the imagination of the Honourable Member. I wish an Honourable gentleman like him had stayed a little while before running away to London, he had stayed a little while to face the music. I do not think he is in this House.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : He is here.

Mr. C. S. Ranga Iyer : My friend Mr. Mitra says he is here. Any way, coming as he does from Bengal, he knows better—he may be here in Simla, but he does not seem to be here in this House. I wish he were here to hear a telegram which I have just received from the Mayor of Calcutta. The Mayor wires to me :

“ Just seen complete statement by Ghuznavi regarding lessons in Corporation schools. Thorough inquiry shows report absolutely false unfounded, kindly contradict. Mayor, Calcutta.” (Applause.)

Sir, but for this telegram, I would not have taken notice of that Honourable gentleman's speech, because there are speeches and speeches delivered in this House.

A jackal of the Anglo-Indian Press which persists in a serious misrepresentation of facts and which tries to belittle not only the Congress but the Opposition in this House, was responsible the other day for urging an argument in favour of the principles of the Bill. It said that if responsible Government were to be introduced in this country, one party would try to dominate over another party and there might be the necessity under the same circumstances for a Bill of this kind. Sir, I do not anticipate the same circumstances under a responsible Government. The circumstances that exist to-day exist because responsible government is wanted by this country, and there does not seem to be any extremely clear prospect of responsible Government as Indians want it, as the Colonies enjoy it, immediately coming. But let us suppose that responsible government is going to be granted immediately. Indications do not seem to be favourable in regard to the grant of complete Dominion Status, nothing less than which will satisfy Indian aspirations, for India, Sir—as H. E. the Viceroy truly said in his memorable speech at the Chelmsford Club, in his first political utterance, which will go down to history even as the name of Simon de Montfort in the history of England,—India wants that position which the Colonies enjoy, when the power of the Viceroy and the Governor General will be like that of the Governor General in the self-governing Colonies. As agitation goes on, one kind of circumstance we witness. When the agitation achieves its object, another kind of circumstance comes into existence, and therefore I do not believe that there would be the same circumstance about which despairing Anglo-Indian newspapers in their self-advertised friendship for India are never tired of cautioning us. Supposing the same circumstance, let us concede for argument's sake, will exist, and supposing the powers that be introduce a Bill of this kind, the circumstance then would not be the same circumstance as prevails to-day. The Honourable gentlemen opposite will have a wider constituency then

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than the Viceregal Lodge. They will have a public opinion to face ; they may even have to risk, if they feel strongly, a dissolution of the Cabinet on that issue. They will have to consult public opinion. Under such circumstances a Government will be responsible to the people and removeable by the Legislature. Such a Government will be perfectly entitled to do what it thinks proper under those circumstances. But, Sir, so long as the Government are not responsible to the people of this country, so long I would appeal to the Honourable the Home Member not to proceed with a Bill of this kind in the manner we see it to-day, for, as I have already said, there is in it that phrase " offences involving violence ", and we have our experience of the interpretations of that phrase.

Sir, there is another aspect, and, in my opinion, a sadder aspect. This Press Bill could easily have waited for another six months for its introduction, and that is all that my friend Mr. Das wants, instead of its being rushed through like this behind the back of the delegate, the sole delegate of the Congress, Mahatma Gandhi. (Applause.) In the absence of Gandhi, whose happy terms of agreement with Lord Irwin, you, Sir, with your usual foresight, placed on the record of the proceedings of this House, with those proceedings on record, I think I may just as well place on record what men who speak for Gandhi, what organizations who can speak for Gandhi, think of the introduction of the Bill in the light of the Gandhi-Irwin Pact, in the light of the letter and the spirit of the Pact. The Working Committee of the Congress, which met at Ahmedabad in September, unanimously with one mind passed the following Resolution :

" While the Working Committee has all along opposed and condemned violence, it considers the Press Bill now before the Assembly to be too drastic and a wholly unwarranted measure in that it constitutes an extension of the penal law and an attack upon the property and liberty of the press. The Committee declares that the provisions of the Bill are so wide and vague that violence may be made to comprise any act or activity on the part of the public and has good reasons for its apprehensions in view of the interpretation put upon the word by the Government in the matter of truce prisoners still in jail.

" Further, the Working Committee looks upon the proposed measure as a re-enactment of the proposed Ordinance of last year in a much more expanded form, and therefore considers it a measure sought to be re-enacted during truce time and accordingly a distinct breach of the Delhi Settlement."

I do not want to comment upon the Working Committee's observations

Mr. B. Das (Orissa Division : Non-Muhammadan) : No comment is necessary.

Mr. C. S. Ranga Iyer : My Honourable friend, Mr. B. Das, says, no comment is necessary. Whether comment is necessary or whether comment is unnecessary, I leave it to those who will follow me if they deem fit to comment upon it. But all I can say is this. We were no parties to the truce ; we were mere spectators ; and sometimes spectators see more of the game than the actual participants. I am afraid that the Government do not, in the opinion of the other party to the truce, appear to have played the game. That does not look like statesmanship. That looks like the policy of the panicky ostrich which puts its head into the sand, a policy which does not reflect much credit when you have to take into consideration the big issues that are at stake. Sir, would the heavens have fallen if they

had waited for another six months? Less than six months will show whether the Government of India and the Government of Great Britain propose to stand between Mahatma Gandhi and the light of the world. Meantime, if things are smoothened down and a happy era dawns, the necessity for the Press law will disappear, because Gandhiji's followers will be the soldiers of Government, carrying on a tearing, raging campaign in the country more powerful than any Press Bill, to bring about non-violence in this land and eliminate that "noxious growth of the West transplanted to the East", as the late Sir Surendra Nath Banerjea used to say about terrorism in Bengal. Mahatma Gandhi on landing in Marseilles said, "I go to England to realise the dream of my life, the freedom of my country." At such a time it does not look like much political prudence for the Government of India to raise their high hand to strike at the freedom of the Indian Press. It seems to me very bad tactics. In a time of peace they should not prepare for war, as the Congress people are pointing to them with their accusing finger. They say, and in my opinion, most rightly say, that this Press Bill can be directed as it stands at present to crush the civil disobedience movement should it be revived, and not necessarily the terrorist movement, for if by inference, if by implication, allusion, metaphor and so on, a newspaper were to say, "Go on with the civil disobedience movement", and if Government think that violence is the byproduct of civil disobedience, then they can get at that newspaper publisher, and they can get at the newspaper press. Sir, I wish, if the Government really wanted to introduce a measure of this kind, that they had not repeated all those ugly features to which I have already referred the other day and which I do not want to repeat.

Lastly, my time is up. I do not want to fulfil my ambition of an hour's speech, as I believe there will be many more speakers on this side of the House as well as on the other, and more especially because I want to listen to my Honourable friend who was my leader fifteen years ago. Fifteen years ago, on the Lucknow platform, Sir C. P. Ramaswami Aiyar—he was then young and a mere "Mr." and only 37 years old, fifteen years ago he was appointed by the Subjects Committee at the suggestion of Sir Surendra Nath Banerjea and Lokmanya Tilak to move the repeal of the Press Act of 1910. (Cheers.) That was a memorable Congress, the greatest of Congress Sessions ever held, because after the sad Surat split, like the Ganges and the Jumna meeting together, the extremists and moderates met together on that platform and the young Mr. Ramaswami Aiyar, the popular hero of the Home Rule days, was the centre of attraction. The same Subjects Committee, at the suggestion of the same esteemed leaders, peace be on them, invited me to second that resolution. (Applause.) What wondrous turns in the wheels of politics! Sir, speaking to the audience, the great Congress audience, Sir. C. P. Ramaswami Aiyar, in his usually attractive and inspiring style, reminded them of some of the wonderful ideas of Milton's *Areopagitica*. I am glad to say that at least one of his prophecies has turned true. In the words of Milton, he felt:

"Methinks I see in my mind a noble and puissant nation rousing herself like a strong man after sleep and shaking her invincible locks. Methinks I see her as an eagle mewing her mighty youth, and kindling her undazzled eyes at the full mid-day beam."

I should not stand between Sir C. P. Ramaswami Aiyar and ourselves, especially when that dream of his, that pleasant dream of his is becoming the visible reality of the morrow. (Applause.)

The Honourable Sir C. P. Ramaswami Aiyar (Law Member) : Mr President, let me at the outset follow my old friend, Mr. Ranga Iyer in paying a tribute to His Excellency the Viceroy for the great lead that he has given to the country. It is not my object nor is this the occasion to refer to the details of that memorable speech. His words directed attention to the grave issues pending before this country, but with an optimism which is characteristic of the statesman who is presiding over the destinies of this country, the speech also looked forward with hope and confidence to the immediate future.

Having said that, let me turn my attention now to those extremely flattering and seemingly embarrassing statements which emanated from the fertile memory and the agile brain of the Deputy Leader of the Opposition. Let me assure him that I do not consider that the occasion is one for any embarrassment on my part, nor have I departed from those ideals and aims for which I stood fifteen years ago at Lucknow. If I had done so, I should not have gone to the Round Table Conference, and I also assert that I should not have stood here to-day to discharge a duty which I do not discharge merely as a formal one but which I hope to discharge as one which is due to this country of ours and its ordered progress. Mr. President, a great deal has been said in journals and by public men about the breach of faith which is involved in bringing forward this measure, a breach, as it is called, of the Irwin-Gandhi pact. Let me first deal with that aspect of the matter. In the first place, let me remind you, that there has been no person who has been more deliberately antagonistic to the misguided activities of the Press which lays itself out either to praise or to sympathise with the terrorist crime than Mahatma Gandhi. Gandhiji spoke in unmeasured terms of sorrow and anger against those who prostitute one of the greatest of professions for the purpose, of forwarding, either weakly or wickedly, this particular cause directly or indirectly. Let it be remembered also, Mr. President, that the Irwin-Gandhi pact was an agreement between a great political organisation, the Congress, and the Government of India. Let it not be ignored that the Congress has stood for non-violence. Let it not be forgotten that Gandhiji is not an advocate of terrorism, and therefore in trying to hit at terrorism, there can be no breach of faith or of the pact.

My friend, Mr. Ranga Iyer, in the course of his speech did himself much less than justice. He is the President, he has told us more than once, and I know it myself, of the Upper India Journalists' Association. He represents a very powerful limb of the Fourth Estate in this country and yet he told us that the Press does not count for much today and that in contrast with the Press, the platform and private propaganda exercise an influence and wield an authority beside which the authority of the Press sinks to nothing. Mr. President, is he just to himself in that? Does he not know that in this country, and indeed everywhere the Press, English and vernacular alike, exercises an influence out of all proportion to numerical circulation? Does he not know that every day in obscure and remote villages some journal is read and commented upon and borrowed and read again, so that back numbers of newspapers are not back numbers in fact but are live things and can evoke lasting feelings and rouse poignant emotions? Is it not therefore our duty to realise

and not to depreciate the dignity and the influence of the Press ? If the President of the Upper India Journalists' Association will not do that, let me undertake that task on behalf of journalism in this country. Mr. President, the influence of the Press is great and mainly it is wholesome and inspiring. I have had some experience of journalism myself. As my friend very well knows, I have been in temporary conduct of a paper myself and therefore let me not be accused of opposition to journalism. This Bill is not intended to aim at the liberties of the Press. It is essentially and intrinsically, an one-clause Bill and an one-topic Bill and in addition, a temporary Bill, and if legitimate suspicions are felt in any quarter that it purports to be more than an one-clause Bill and an one-topic Bill, there is the opportunity in the Select Committee for those ideas to have the fullest possible play. Why in confronting the House and the country with a Bill which extends to 32 clauses, did I say that it is an one-clause Bill and an one-topic Bill ? I say that because the object and the purpose of this Bill as indicated in clause 4 is to strike at incitements to terrorism and at crimes of violence. All other clauses are ancilliary, auxiliary and processual, and the idea of the Bill is to enunciate the fundamental doctrine that is essential at this moment to fight terrorism in all possible ways and thereafter to produce conditions in this country, political and economic, enabling that fight to be continued and carried on. I desire to lay emphasis on this aspect of the matter most prominently, Mr. President, that departing, and conspicuously departing, from the old Ordinance and the old Press Bill, the present Bill is limited in scope. Clause 4 of this Bill is directly concerned with terrorism and acts of violence. Turn now to the old Bill and to the Ordinances and go through clauses (a) to (h). You will realise, Mr. President, what a limitation, what a restriction of the old Bill has here been attempted. Not long ago, in England, an observation was made by the very talented Editor of the *Hindu*, whom we all rejoice to see in England to-day, about the scope of the Bill. I am afraid Mr. Rangaswami Iyengar was mistaken as to his idea regarding what he termed the very wide scope of the Bill, which he said he was going to fight. Let me assure Honourable Members here and the country outside that it is not the object of the Bill to throw the Indian Press out of gear, because after all no Government can be efficiently carried on with a muzzled Press. No Government can be carried on without a live, active and reasonable Press, and it is because we realise that this Bill will, if enacted, still maintain the Press in full vigour and only curtail the excesses, that we are here to promote this Bill in this House.

Mr. B. Das : Is it not the purpose of the present Bill to strike at the civil disobedience movement ?

The Honourable Sir C. P. Ramaswami Aiyar : I am very glad that I have been reminded of that matter. If my friend opposite will turn to the Statement of Objects and Reasons of the old Bill, he will realise that the object of the old Bill was thus enunciated. One of the sentences there was this :

“ Experience has shown that propaganda in furtherance of subversive movements and of crimes of violence is also carried on by means of leaflets, pamphlets, bulletins and the like..... It was the policy of many newspapers consistently to encourage the civil disobedience movement and thus to foster conditions of disorder.”

The old Bill set itself out to combat the civil disobedience movement because it was felt at that time that it was necessary to hit at that movement. Contrast that statement with the Statement of Objects and Reasons

[Sir C. P. Ramaswami Aiyar.]

of the present Bill. It has been apprehended in some quarters that the present Bill might possibly be used to hit the civil disobedience movement. Mr. President, we hope that that movement will have no recrudescence, especially after the memorable statements which Gandhiji has been making both in India and England, but it is not the object of the present Bill to deal with that at all. Its scope is not so comprehensive. It is limited. It is only to deal with a narrow and special subject, namely, terrorism. Having said that, Mr. President, let me analyse the position thus. First of all, is there an evil? That is the first question to be decided. If there is such an evil, how best is it to be combated? Now the point that I wish to make very strongly is that this terrorism, this cult of assassination, of violence, is by no means confined to India. It will not, I am afraid, human nature being what it is, cease on that day on which complete self-government and Dominion Status are attained by this country, I hope very, very soon. (Applause.) Let me now place before this House a quotation from a very recent speech made by Dr. O'Higgins of Ireland. Ireland, after an epoch-making struggle, has attained the rank of a Dominion and is enjoying the fullest possible rights of self-government. Ireland, Sir, is confronted with similar problems to us: Ireland also is confronted with the advocacy of violence and of terrorism. And listen, Mr. President, to what Dr. O'Higgins has said recently about this matter:

"The Free State Government had held its hand in the hope that the trouble would subside or disappear. It was evident that certain organizations are at work engaged in a very ugly task. The Government would soon have to adopt stern measures for the protection of the people against that ugly work and the enforcement of law and order and must assuredly wipe out any combination that menaces the peace and stability of the country."

Those words were spoken by the Irish statesman with reference to acts of violence, of terrorism, of clandestine assassination which have unfortunately disfigured Ireland even after the establishment of self-government. My desire, Sir, is to point out that there is no wish to check any movement, any legitimate political movement but to check those effervescences which are a distortion and denial of all political and social life. Mr. President, I do not propose to deal with the question as to what exactly the extent of the evil is. Nor do I propose to follow the example of those who have made extensive quotations. But I have been at some pains to select a few passages for the purpose of showing what is the evil that we are confronted with. I trust, Mr. President, you will allow me to place some of those passages before this House.

"The battle is bound to go on until a socialistic and communistic republic is established."

"We shall not be content with destroying the white-skinned English only, we want the destruction of the native black-skinned Englishmen too. Further, we want the downfall of Gandhi, who is religiously-minded, a traitor to the nation and a patron of capitalists."

Mr. Das spoke of the writing on the wall. The real writing on the wall is the result of misguided youth against normal political activity and even against Gandhiji.

"The fight for freedom cannot be an open fight; we shall have to take to guerilla warfare. What will have to be done is a country-wide and a lasting terroristic movement."

"The Congress has reprobated such murders. Their deeds"—(that is, the deeds of the young men)—"indicate that these do not care for the Congress or the Leaders, and they will and must go their own way. On seeing Bhagat Singh it appears as if

Lord Krishna's philosophy of action and the Sivaji and Pratap war-creeds had again manifested itself in this era for the welfare of this subject country. In the Legislative Assembly, there was a bomb explosion. Its fumes, like the lightning wave, spoke in every corner of India, and let it speak. May revolution live long ! Without destruction the work of construction cannot go on."

Are these extracts, Sir, indicative of the better mind of this country ? Are these passages a manifestation of the genius and the culture of this age-long land ? I venture to say emphatically, " No, Sir." (Applause.) And if you feel that these passages do not indicate what is the better mind of India but its perversion, then let us so work that the mood, the mental attitude which is behind these passages is eradicated and suppressed : and the object of this Bill is to do that. (Applause.)

Mr. President, I shall now deal with one or two criticisms that have been made with regard to this Bill. There was an article, which I read

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in which it is stated, that it does not differ very materially from the Press Act of 1910, and Mr. Ranga Iyer, in that persuasively emphatic way, of which he is a master, has commented upon Sir Lawrence Jenkins' judgment. Sir Lawrence Jenkins' judgment, Sir, dealt with the *Comrade* passages under the Press law of 1910. No one who compares the Press law of 1910 with the project of law which is now before this House can fail to realize the fundamental difference in scope, ambit and object between the two. If then Mr. Ranga Iyer will go into the Select Committee and improve upon the language of clause 4, so as to make its object even more obvious and to make it well proportioned and apt for the purpose he has in view, no one can object. (Applause.) Then, Sir, there was another argument. It was stated by a very reputed organ of the public Press :

" We have not had the benefit of seeing this wonderful brochure. But we have no doubt that a large number of the quotations objected to will be such as would to a fair-minded individual appear to be perfectly innocent."

Is that a fact, Sir ? Then it was stated,

" Why, if these papers have been functioning so mischievously, have the Government kept still, why have they not pounced upon these various newspapers and proceeded against their editors ? "

Mr. B. Das : Yes, quite so !

The Honourable Sir C. P. Ramaswami Aiyar : I am glad to see that the question which I have propounded is a question which is exercising the minds of those who are vigorously nodding their heads on the other side of the House. The answer is obvious, Mr. President. Some of these papers unfortunately are conducted on such precarious lines by such obscure individuals that to proceed against them would be not to serve any real object (Laughter) ; and, speaking with some experience of this branch of the administration, because for 5½ years I was connected with a similar branch of administration in another part of this land, I may say that the consistent policy of the Government has been not to proceed except against people against whom it is worth while to proceed.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadian Rural) : Is the Editor of the *Statesman* of that type ?

The Honourable Sir C. P. Ramaswami Aiyar : If the Editor of the *Statesman* should lose himself and all sense of perspectives in such manner as to bring himself within the ambit of the Bill, then, speaking for myself I should certainly proceed against him.

Mr. Amar Nath Dutt : But he has brought himself within several sections of the Indian Penal Code, but the Government never took action ?

The Honourable Sir C. P. Ramaswami Aiyar : The Honourable Member's interruption shows that the Editor of the *Statesman* is not obscure ; but if the Editor of the *Statesman* indulged in those attacks and those reflections which are the subject of this Bill, no Government which is worth its salt can refrain from proceeding against it.

Now, having said that, let me continue with what I was endeavouring to point out. The consistent object of Government has been not to proceed against these obscure individuals and give them an unnecessary notoriety ; but the case is different when it is not an isolated and remote and obscure individual who is doing this, but there is an evidently concerted endeavour on the part of many obscure men to do the same thing in many parts of the country. (Applause.) Then, although each one may be obscure, the sum-total of the efforts becomes dangerous, and it is because there is an apprehension, a legitimate apprehension, on the part of Government and of many responsible people that the present occasion is one which has regimented and co-ordinated the mischievous activities of many isolated presses, that we appear before the House bringing forward this Bill.

Mr. President, another statement I have heard made is this, that the Bill may not be so comprehensive, as the two Ordinances issued by Lord Irwin, but, if passed into law, it will not be the less dangerous or less menacing to the members of the Indian Press. Now, the whole of the gravamen of that charge is in what is called the comprehensiveness or the ambiguity or the vagueness of clause 4. I have already stated that with regard to clause 4, if Honourable Members co-operate for the purpose of making it serve its real and ultimate object better, no one could be gladder than the Government.

Mr. President, I have really very little more to add. If I were not convinced that this Bill is necessary for the purpose of releasing the fair name of India from the aspersions which may be cast upon it, I would not have stood up at this moment. If I did not feel that the activities of the revolutionary Press would militate against our common ideals and aspirations I would not have been so emphatic. Let me conclude by saying that : I would advocate that this Bill be criticised from every point of view and that sufficient safeguards to ensure that those papers only are proceeded against that are mischievous and dangerous should be introduced. But to oppose the committing of this Bill to the Select Committee would mean an assertion and a belief that there is no evil to be met. I have endeavoured to point out that the evil is there, that the evil is real, that the evil is such that it is obnoxious to our ideals of self-government and that it is opposed to the culture, the traditions and the fundamental instincts of every race in India, Hindu, Muhammadan and English alike. Feeling like that, I do feel at the same time that it may be possible to improve this Bill in many aspects. I do not say that any Bill can be perfect, nor do I say that this is perfect. I now stand before you, Mr. President, merely for pleading that there is a poison in the body politic. Let us remove it and purge ourselves of it. Let all reasonable men put their heads together for the purpose of ensuring that the Bill which has only this one aim fulfils it adequately and reasonably.

The Assembly then adjourned for Lunch till Twenty-Five Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes Past Two of the Clock.

Mr. John Tait (Burma : European) : Coming as I do from a province where the fellow countrymen of those Honourable Members, who have spoken with such vehemence in opposition to this Bill, have been denouncing the Local Government, in season and out of season, for what they declared to be the Local Government's wilful neglect to put an end to the anti-Indian campaign which has characterised a section of the vernacular Press for the past six months and more, I confess to no little surprise, and indeed to a fair measure of disappointment, at the tone of the speeches we have listened to from Honourable Members on the other side. Sir, I find it difficult to acquire any clear understanding as to what really is the true honest conviction of Honourable Members, especially those from Madras, Bengal and Bombay, provinces which supply Burma with her merchants and her labour in their hundreds of thousands, on this question of Press control, and my mystification is not lessened when I read the solicitous enquiry as to the protection and the care by Government of Indian residents and Indian commercial interests in Burma, which is included in the list of questions against the names of Honourable Members, who are so strongly opposed to any form or degree of Press control in India. What, Sir, am I to understand from this glaring inconsistency ? I am almost constrained to call it this Dr. Jekyll and Mr. Hyde policy in so far as the interests of Indians in Burma are concerned. If Honourable Members are to be perfectly honest as to their standpoint as regards the Press both in India and in Burma, then I submit they must come out frankly to declare that for the provinces on this side of the Bay of Bengal they demand one set of conditions, namely, complete freedom of the Press, and for that other Province of the Indian Empire which lies on the other side of the Bay of Bengal, they demand another set of conditions diametrically opposite, namely, full control by Government of the anti-Indian Press in Burma. The Honourable Member, Mr. Ranga Iyer, it will be remembered this morning said, " Why should there be one law for one section of the community and another law for another section ? ".

But, Sir, if there is still another inference which I might be justified in drawing from the attitude of Honourable Members in opposition to the Bill, I think it can only be that Honourable Members from those provinces I have mentioned are perfectly prepared to sacrifice the interests of their own countrymen in Burma, if by so doing they acquire complete control of all matters relating to the Press and to other things, and, Sir, what is more important and more disappointing is the apparent fact that the pious solicitation expressed for Indians and Indian interests in Burma can be put down merely as so much lip-service and so much eye-wash.

Sir, I am a European representing a European constituency, but I feel at this moment that I am standing here fighting the cause of Indians in Burma against their own fellow countrymen sitting on the Benches opposite (Hear, hear).

It is quite true that within the last few weeks the Burma Government have acquired powers under an Ordinance by which they can effect some control over the Press and to that extent the clamour of Indian residents in Burma has been met. But, Sir, Ordinances are never liked, least of all with Honourable Members in this House, but apparently there was no other legal course open to the Burma Government if on the pleadings, the

[Mr. John Tait.]

representations and the clamour of Indians in Burma protection was to be provided.

It may be that this aspect of the question has been overlooked by Honourable Members ; it may be that Honourable Members have not been aware that their own kith and kin in Burma have been clamouring for Press control ; it may be that they have not been aware that their own fellow countrymen in Burma have been pleading to the Government for protection against what they declared to be an unbridled, irresponsible anti-Indian Burmese vernacular Press—pleadings which took the form not only of representations from individuals to Government, but of resolutions and communications from the Burma Indian Chamber of Commerce and, as I understand, were included in the reasons for a deputation being sent to plead the cause of Indians in Burma before His Excellency the Viceroy here in Simla. Sir, I trust that it may be so—I trust also that with this information now placed before Honourable Members, those, who have been in opposition to the Bill but who lay some claim to consistency in their politics, will now be constrained to withdraw that opposition.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadian) : Sir, the Honourable the Law Member in his maiden speech in this House has justified the Bill on the ground that the Press in India, and he has referred to one quotation from the vernacular Press, have gone beyond the legitimate sphere of fair criticism.

The Honourable Sir C. P. Ramaswami Aiyar : There are about twelve quotations.

Sir Hari Singh Gour : I was only dealing with the quotation he read out to the House.

The Honourable Sir C. P. Ramaswami Aiyar : I read out about twelve quotations.

Sir Hari Singh Gour : If he read out twelve quotations, they were precious small, and they came up to one quotation in substance.

The Honourable Sir C. P. Ramaswami Aiyar : Not my fault.

Sir Hari Singh Gour : If you say that so far as the virulent section of the Indian Press, which counsels terrorism and murder and unrest is concerned, unless the Executive Government is given power to control the Press, we shall not be able to cope with this mischief, it is a different matter. My Honourable friend Mr. Ranga Iyer in his excellent speech has pointed out that, so far as the communist tendency in this country is concerned, the terrorist and revolutionary organisation is not confined to the keepers of the Press, but that large meetings are held in which revolutionary doctrines are preached. If you were to muzzle the Press, you would not in any way prevent the holding of these large meetings which preach doctrines subversive of law and order. It is for the purpose of suppressing the widespread mischief that my Honourable friend the Home Member introduced in the last Assembly a Bill called the Public Safety Bill, in which he intended to control the communistic and revolutionary movements in this country.

The Honourable Sir James Crerar (Home Member) : Sir, I may remind my Honourable and learned friend that the Bill to which he refers referred solely to persons who are not natives of India.

Sir Hari Singh Gour : Quite so. In its inception and origin it was intended to deal with persons who were not natives of India. But the object of that Bill was to prevent the dissemination of revolutionary and terrorist doctrines in this country. The Honourable the Home Member will remember that, in spite of strenuous opposition from the Opposition Benches, I was the single Member from this side who supported him and pointed out that that Bill, if properly amended, would deal with the mischief. That Bill has gone. The Honourable the Home Member now wishes to deal with the Press and he wishes to point out, and his colleague has pointed out, telling us that he has given twelve quotations from the Press illustrative of the revolutionary doctrines preached in this country. But have the Honourable the Home Member and the Law Member given a moment's attention to the fact that all these quotations are from obscure prints, the names of which are not even known outside the very small circle—if there is a small circle—in which these prints receive their publication? As the Honourable Member has in fact pointed out himself, in answer to an interjection by an Honourable Member on this side as to why he did not take any action against any of these papers, he said that these papers are obscure papers and did not wish to give them wider publicity by taking any action. Now, Sir, leaving out these small prints, about which I shall have something to say presently, I find from the extracts in this book that the extracts from the English papers and the vernacular papers form two distinct classes; and you will find that, so far as the English papers are concerned, papers like the *Bombay Chronicle*, *Liberty*, *Advance*, and other papers of that kind, there is absolutely nothing in them anywhere, either directly or by insinuation, countenancing revolutionary or terrorist doctrines. If you read the extracts which are given in this book, you will find that all the quotations may be sub-divided under three heads; one is objection taken to the trial of persons by special tribunals instead of a regular High Court; secondly, publication of the proceedings of public meetings held in Calcutta and outside for the purpose either of performing a *sradh* or for the purpose of denouncing the action of Government in not acceding to the largely subscribed prayer for the commutation of the sentence passed upon Bhagat Singh; and thirdly, certain letters which Dinesh Gupta wrote from the Alipore Jail to his relatives. These are the three classes which the English papers from which extracts are given in this book fall into. Then you have on the other side a very large number of translations and extracts from the vernacular papers. Even among the vernacular papers I find that the more responsible papers like the *Kesari* of Calcutta or the *Swatantra* referred to in pages 38 and 51 denounce revolutionary and terrorist activities. Let me by way of illustration read to the Honourable Members only two sentences. At page 38 this is what is said by the *Kesari* of Calcutta, a vernacular paper :

“The execution of Dinesh Gupta has wounded our hearts. It is a matter of pain that the life of an youth in whose heart there was patriotism should thus be put an end to. We do not like to suppress the feelings of our heart only because we are not at one with his methods. We admit that his action has retarded the progress of the country.”

This is the statement made by a vernacular paper. Then you have another paper called the *Swatantra*. At page 51 of this compilation I find the following statement :

“The Congress policy of non-violence is so explicit that none of its followers should in any manner incite a violent act.”

[Sir Hari Singh Gour.]

I therefore submit, Sir, that in making a conglomeration of all cases and extracts from all papers, English and vernacular, the author of this book has omitted to consider that, so far as the English papers are concerned, they have not counselled terrorism or revolutionary doctrines. They have published in extenso the proceedings of public meetings, and I ask the Honourable the Home Member whether he regards the publication of news by these papers as conducive to the perpetration of crime and as calling for the policy which underlies the present Bill. The second question I wish to ask him is why they did not make any distinction between English papers and vernacular papers. We know, Sir, that as far back as 1878, an Act was passed called the Vernacular Press Act (Act IX of 1878) dealing with the vernacular Press alone, and after a few years that Act was repealed. I wish therefore to ask that, if you find from these extracts that the vernacular papers, obscure or otherwise, are mainly responsible for the dissemination of terrorist and revolutionary views, why not confine your Bill to the vernacular papers ?

The Honourable Sir James Crerar : Sir, I should like to make sure what the Honourable Member's question is. Is it the Honourable Member's point that Government ought to discriminate unfavourably against newspapers which are published in the vernacular ?

Sir Hari Singh Gour : The point I was trying to make was that, in order to cope with the mischief created by the vernacular Press and which is illustrated by the extracts printed in this book, why should not the Bill be confined only to the vernacular Press ?

The Honourable Sir James Crerar : That is precisely the discrimination which I wanted to bring out clearly.

Sir Hari Singh Gour : The second point I want to bring out is this. The Honourable Member is perfectly aware of the fact, and he has in his opening speech pointed it out, that these newspapers from which these extracts have been published enjoy a limited circulation and that also is the statement made by the Law Member himself. My second point in connection with that therefore is that if these small and obscure prints having a very limited circulation are to be dealt with, why are they not dealt with under the ordinary law and why do you not deal with them under the ordinary law ? It is not necessary for me to remind the Honourable the Home Member that we have added to the Criminal Procedure Code only recently sections 99A to 99G. I admit that section 99A of the Criminal Procedure Code deals only with sedition and does not deal with murder and acts involving violence. But if that is the difficulty under section 99B has the Honourable the Home Member considered the advisability of amending that section, which would have dealt with this mischief in a much more satisfactory manner by making an amendment of an existing Act rather than resuscitation of the Act of 1910 which was dead and buried in 1922 ?

The Honourable Sir James Crerar : Do I understand that the Honourable and learned gentleman's principle is that this legislation should be permanent and not, as the Government propose, temporary ?

Sir Hari Singh Gour : The Criminal Procedure Code is the procedural Act and under the Criminal Procedure Code the High Court has got plenary jurisdiction, power of appeal and revision at all stages ("Hear, hear" from the Nationalist Benches), and that is what you have refused

under the Press Act ; and my Honourable friend cannot get away from that by saying that this is only a temporary measure and that I am counselling the introduction under section 99A of a clause which would be permanent rather than temporary.

My third point is this : it is perfectly true that some papers in this country are openly revolutionary and preach revolutionary doctrines. It is equally true that this House must deal with this mischief. But the question is, how are you going to do it ? If our remedy can be confined to coping with that limited mischief which these revolutionary papers preach, then I have not the slightest doubt that every right-minded Member in this House will support the Government, but on two conditions ; the first condition is that it will not arm the executive with unlimited and unfettered jurisdiction. We on the Opposition Benches feel that, while the executive should have the power of initiation, there must be ample judicial control all along the line, and if you can give us that judicial control, then you would have done a great deal to make this Bill acceptable to various Members of this House.

There is another point upon which I should like to dwell at some little length. It is this : Honourable Members are aware of the existence of the old section 3 and old section 4 of the Press Act of 1910. That Press Act of 1910 was, as my friend, Mr. Ranga Iyer pointed out, subjected to serious criticism at the hands of the Calcutta High Court ; and they pointed out that these two sections of the Press Act of 1910 are so largely worded, that their meshes are so fine, that no person can escape through them. When after more than twenty years you wish to revive that Act of 1910, and you read section 3 of the Act of 1910 and clause 3 of the present draft Bill, you will find that both are exactly identical. I have compared the two, and if you compare them you will find them to be the same. Have you profited by the criticisms of the High Court and of the public ? You have not, and let me tell you why not. If Honourable Members will turn to clause, they will find that that clause deals with two classes of presses—new presses and old presses. So far as new presses are concerned, the procedure is this : as soon as a man goes before the Magistrate for making a declaration under the Press and Registration of Books Act of 1867, he is called upon by the statute to give security, unless for special reasons he is exempted from giving security. Security is the rule : exemption is the exception. I wish to ask any legally-minded man in this House “ Have you given any directions to the Magistrate as to what constitutes special reasons for exempting a person from giving security ? ”. You have made it a general rule that as soon as a new man comes up and says, “ I wish to establish a Press ”, you immediately call upon him to give security. I ask the Honourable the Home Member, is this not curbing—not the liberty of the Press—but curbing the development of the printing industry in this country, by asking every printer to give security before he establishes a Press ? We have been told that every dog is entitled to one bite ; you do not give this new unfortunate printer even a single bite ; on the other hand you bite him first and take no chance with him. (Laughter.) Is this fair ? Let him establish the press, and if afterwards you find that he misbehaves, call upon him to give security. But do not start by asking every printer, every new man, as soon as he comes before you to make a declaration that he wishes to establish a printing press, to give a security.

Again, look at the amount of security that you have laid down. It shall not be less than Rs. 500. Why not less than Rs. 500 ? Supposing

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a man wants to have a small hand press which costs him perhaps Rs. 500 ; is he to deposit Rs. 500 ? Mark further. The security must be at your discretion either in cash or in Government promissory notes. Do you distrust the value of your own promissory notes to make sure that the security should be cash down ? What is the object ? These are the galling provisions of section 3 which have been reintroduced without any change and without any amendment in this new Bill of 1931.

I pass on to the next point. Honourable Members will find, as I have said, that the whole of clause 3, except one paragraph, is copied from the Act of 1910. The paragraph that has been added now for the first time is sub-clause (2). By this addition, you have made the old provisions even more drastic. You say " The Magistrate may at any time cancel an order dispensing with security and require security to be deposited, and he may at any time vary any order fixing the amount of security under this subsection or under sub-section (1) ". I ask you, when you drafted the Bill in the year of grace 1931, did you not pass your eye back to the history of this obnoxious legislation of 1910 and the amount of criticism to which it was subjected and which resulted in its repeal in 1922 ? You have done nothing of the kind.

I now turn to the next clause. The Honourable the Law Member said that this is a very limited Bill. Yes. Let us examine the point. Clause 4 of the present Bill is section 4 of the Press Act of 1910. Now, I admit that in the Press Act of 1910 there are various other clauses which have been left out in clause 4 of your Bill. What you have done is this. You have simply enlarged the provision of one single clause which occurred in the Act of 1910 in your present Bill. Let me explain it to Honourable Members. In the old Act of 1910, clause (a) ran thus : " to incite to murder or to any other offence under the Explosive Substances Act of 1910 or to any act of violence ". What you have done here is " to encourage the commission of any offence of murder or any offence involving violence ". Sir, I know of such words as " abetment of crime ". I know of such words as " instigation of crime ". But what I want to know is as to what you mean by the word " encouragement ", which is not defined in the Indian Penal Code, and which is foreign to the criminal jurisprudence of this country. Certainly, I can well understand an act of violence, but I have still to learn—and I have no doubt the Honourable the Law Member or any other legal Knight on the Treasury Benches will enlighten me upon it—I have still to learn as to what is the meaning of the words " any offence involving violence ". Now, if you turn to the General Clauses Act, you will find the word " offence " defined. If you turn to Chapter XII and Chapter XVII you have certain offences which are designated as offences involving a breach of peace or a commission of a crime ; but I want to know as to what is the meaning of the involved sentence " or offence involving violence ". And who is to be the judge of it ? The Magistrate and the Local Government. The Local Government and the Magistrate are to be the sole judges of these obscure phrases which they are to interpret and apply to a particular case before them. I say why do you start with these nebulous definitions of crime ? Why don't you be plain and say this : " whoever directly or indirectly aids or abets or incites the commission of murder or any offence such as is described in Chapter XII or in Chapter XVII of the Indian Penal Code " ? If you say so much you will make the meaning absolutely clear, but you have not done so.

Now, Sir, there is another point to which I would like to draw the attention of the House. Both under clause 3 and under clause 4 the Magistrate demands a security. That security is the minimum of Rs. 500, and it may run up to Rs. 10,000. Now, I ask, Sir, supposing a Magistrate demands a security of Rs. 10,000 from an unfortunate man who wants to print labels for *bidies*, supposing he wants to print a picture of Mahatma Gandhi to make his *bidies* more acceptable to the public and popularise them. Well, the Magistrate says, "I demand from you a security of Rs. 5,000", and that is obviously excessive. Now, who is going to be the judge of it? You have demanded a security and you have closed down his press before it is opened. You are giving him no right of appeal to the High Court whatever for obtaining redress from a judicial authority against your act, of which he may have good reason to complain. I submit, therefore, that if you want to make this Bill acceptable, the first thing you must do is to give the person against whom you issue an order demanding security the right of appeal to the High Court. Are you prepared to do that? That of course is a question, the answer to which will determine the attitude we on this side of the House will take upon this Bill.

Now, Sir, there is another question. Honourable Members are aware
 3 P.M. that in this country the moment the Government come down upon a newspaper with a heavy hand, immediately its circulation goes down, it will become a security paper, and all its readers will say "Oh, these people cannot write with the same amount of independence and freedom because the Government have taken security from them, and they will probably be closing down the paper the moment you demand security from them". I therefore suggest that, in order that your Bill may not be exposed to that abuse, you must make some provision for the constitution of a Press Committee on your local Councils in all the provinces where the co-operation of non-officials might be invited, and in co-operation with them go to the newspapers and say, "Now, do you advise that action should be taken against a particular paper and what should be the amount of security that that paper should pay?". In that way you will make your Bill not only more popular, but you will prevent its abuse in practice, and you will secure the co-operation from the public, which you must appreciate, and the existence of which is very necessary, for the good government of this country.

I therefore submit that, so far as this Bill is concerned, it has been drawn up in a great hurry. There is no doubt about it. It has been copied almost verbatim from the Act of 1910, overlooking the criticism to which that Bill was subjected from 1910 down to 1922. I would therefore suggest that the least the Honourable the Home Member can agree to is to accept the motion of my friend Mr. B. Das for circulation. What does circulation mean in this case? Three months. He has put down that this Bill should come up again in January, 1932. We have only got three months before us. If you accept this motion, you will have served a double purpose; you will have recast this Bill, if you so desire, with the help of the non-official Members of this House. You would have sounded public opinion, and you would have, I am quite sure, obtained the support of a large body of men in the provinces to the re-enactment of a measure which in 1910 excited widespread opposition from the platform and the Press. You would, therefore, I submit, have served a great purpose; you would have made your measure more popular; you would have obtained

[Sir Hari Singh Gour.]

the co-operation of the Opposition in this House, and you would have obtained a large measure of support from responsible people outside the House. Sir, I would have been very reluctant to delay the passage of this Bill if the Honourable the Home Member had told us in his opening speech that any of the passages in the newspapers to which he has referred or any newspaper comments which he has not referred to have been directly responsible for the commission of those crimes which we all deplore. They are remotely connected, I do not deny that that they have some remote connection with the writings, but is it not a case of *post hoc ergo propter hoc*. If you therefore wait for three months, there will be no danger that there would be.....

The Honourable Sir James Crerar : May I invite the Honourable Member's attention to the record of violent crimes committed and ask him to consider how many crimes of that character have been perpetrated within the last three months ?

Sir Hari Singh Gour : That was exactly the point that I was making. The point I was making was this. You have not said, much less proved it, that the lamentable crimes committed during the last three months were directly caused by the newspaper agitation to which you have referred. You have not said.....

The Honourable Sir James Crerar : I extremely regret to interrupt the Honourable Member, but I am afraid he has not listened to what I said in my opening speech. I pointed out that in several instances, quite a considerable number of instances, young men accused of crime have stated that their first idea of committing it had entered their minds from reading newspapers.

Sir Hari Singh Gour : I am glad for the statement that the Honourable the Home Member has made, but he has not given to us the statements made by these unfortunate accused, in any of the printed papers circulated to the Opposition. That is the point I was making. It may be perfectly true that they made that confession. I have been at the Bar quite as long as if not longer than the Honourable the Law Member. (*The Honourable C. P. Ramaswami Aiyar :* "Much longer.") But I am quite sure of this, that he and I will agree that if you have a confession, you have to treat it with a great deal of caution. We do not know what that confession was and as to how far we must rely upon that confession. But at the same time I am quite prepared to concede that newspaper agitation, particularly newspapers tinged with communistic ideas (*An Honourable Member :* "Like the *Statesman*."), are responsible and may be held responsible for the commission of crimes, but they are not the direct cause of these crimes. That is the only point I am making, and if you delay the passage of this Bill for three months, there is no evidence on record, nor indeed can any statement be made with any degree of assurance, that further crimes would be committed on account of the newspapers being free to comment and to agitate during the next three months. That is the only point I am making. Within these three months you will have considered the *pros* and *cons* of it ; in these three months you will have the opportunity of revising this Bill, ensuring the support of the Opposition, and getting a large measure of popular support for your

measure. You cannot forget that there is a great deal of odium attached to this Bill by reason of its past history. You know that from 1878 when the Vernacular Press Act was placed upon the Statute-book, the Indian newspapers and the Indian organisations had been decrying that Act and it had to be repealed. When the Act of 1910 was placed upon the Statute-book, the agitation grew in intensity and volume, till in 1922 you had to repeal it also. I therefore suggest that if you wish to re-enact substantially the measure of 1910, you would be doing a great service to yourself and to the country by taking the public into your confidence and hearing them as to what they have got to say regarding the measure you wish to place on the Statute-book.

Now, Sir, if you do not wish to do that, are you prepared to concede to the Opposition the following points? The first point is that the High Court must be the judge not only of the necessity but also of the measure of security, and that before you demand any security from the newspaper, the accused must be given the right of appeal to the High Court against your order. That is the first point. The second point is that when you demand security that security must be commensurate with the capacity and ability of the person to give it, and that you cannot demand from him security in cash because he wishes to give it in G. P. notes. My third point is this. You know I was a humble instrument in having the Indian Penal Code amended doing away with the penalty of forfeiture. You are once more re-introducing the penalty of forfeiture. I would ask you to consider whether any other penalty than that of forfeiture cannot be substituted against the offending person. Now, these are the questions that I would ask the Honourable the Home Member to think about, and if we find that the Honourable the Home Member is in a reasonable mood and is prepared to meet our reasonable objections, there would not be any opposition from these Benches. But I wish to point out to the Honourable Member that Honourable Members on this side of the House are seriously afraid that if the executive are given the final power of control over the newspapers, they are not likely to use it for the purpose which is the declared and primary object of the Honourable the Home Member, or of the Government and of this House. I wish further to point out that clauses 3 and 4 require to be completely recast. These are the operative clauses of the Bill and they have to be recast. So will be the other clauses which treat the printer and the publisher as two individuals, whereas in point of fact they are often the same. To demand separate securities in such a case would amount to a certain order to close down the business which appears to have been aimed at in several clauses of the Bill. Will the Honourable the Home Member raise any objection in Select Committee to our recasting those clauses on the ground that, by accepting the motion for a reference to Select Committee, we have accepted the principle of the Bill and we are derogating from the principle of the Bill in recasting those clauses? I want the Honourable the Home Member to make that point perfectly clear.

The Honourable Sir James Crerar : I will make it perfectly clear here and now if the Honourable Member desires. If the Bill goes to a Select Committee, I shall be prepared to consider any amendments

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which are consistent with the effective achievement of the main object of the Bill. (*A few Honourable Members* : " This is not clear.")

Sir Hari Singh Gour : I am perfectly willing to understand what the Honourable Member means. But the point I am making is that the Honourable the Home Member, or any spokesman on behalf of the Government, should not raise the question that in making amendments or changes in the Bill we are destroying the principle of the Bill which the House stands committed to by accepting the motion for reference to a Select Committee. That is all I want to make clear, because it is the intention of this part of the House to assist the Government to its utmost capacity ; but at the same time, this part of the House is anxious to see that the rights and liberties of the Press are not seriously jeopardised and that, as far as possible, such a judicial control is introduced in the operation of the Bill as would give the aggrieved party a right to appeal to an impartial tribunal. These are my points, and I think they are reasonable and I do not see why the Honourable the Home Member should object to them. If they are conceded, we are quite prepared to co-operate with the Honourable the Home Member (*Some Honourable Members on the Nationalist Benches* : " No, no "), but if they are not conceded, all that we want to do is to let this Bill go to the country for three months (Hear, hear). Within these three months you would have got evidence, the reports of your Local Governments, the public bodies, and the Press, and if there are any merits and demerits in the Bill, they will all be exposed and made clear, and after that in the January Session we can make further progress with this Bill. If the time were long, I would not have supported a motion of this character, but as it is only a matter of three or four months, I hope the Honourable the Home Member will accede to the suggestion I have made.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : There does not appear to be any Honourable Member in this House who is an advocate of violence and assassination, and I venture to suggest that our traditions and culture prevent the large majority of the people of our country sympathising with assassination, and all forms of violence which we have undoubtedly seen within the last year or so, but, Sir, when we come to enact a measure which is intended to prevent such violence and assassination, I think my Honourable friends opposite will admit that we are entitled to examine that measure with care and consideration. Firstly, we have to satisfy ourselves that the measure is going to have a beneficial effect, and secondly, that it is not going to effect prejudicially anybody in the whole country. In order to do that, I think, it may be useful to attempt to analyse the forms of violence which we have seen in India during the last few months. I would divide them into three categories. Firstly, there is the terrorist movement as opposed to the non-violent passive resistance movement. There is a school of thought, however, misguided it may be, which still believes that without a show of violence and actual perpetration of violence there is going to be no constitutional advance in this country. There is another school which has gone in for violence and assassination with a very different object. They desire to have no form of constitutional

government now or hereafter. They are unequivocal adherents of the Third International. They fear that any constitutional advance in this country will postpone their goal. Their goal has been made very clear to us not only now but for some years. Thirdly, there is violence and assassination committed by reckless, impetuous, sometimes perhaps, honest, but misguided young men who not belonging to either of the organised groups of violence I have just mentioned are tempted to go in for violence and assassination hoping to become patriots and martyrs by an hour's or even a minute's work. I understand that the principal object of the Bill before us is to save these young men from themselves. Let me candidly admit that I do not think any Press Act is going to prevent terrorism of the first kind I have explained. The only way to fight that terrorism is an earnest, equitable and honest endeavour to give this country the freedom it desires. The second kind of terrorism can only be fought by my own countrymen themselves by propaganda, and much more by an earnest endeavour now and in the future to give all working men, whether they be the agriculturist or the industrial labourer, their due share in the wealth they have helped to create. But, Mr. President, I am quite prepared to admit that the perpetrators of the third class of violence, which hurts more the perpetrator than those whom he attacks, deserve protection, and it is more than possible that these young men naturally desiring to serve their country, reading what has admittedly been written, are tempted to go in for these reckless misguided actions, unfortunately to find their efforts leading them and the country nowhere. It is easy to be a patriot ; one has a revolver and desires to use it indiscriminately and if there is any one here or in the country who suggests on the platform and in the Press that the man who uses a revolver is a patriot and a martyr, that man deserves to go to prison ; but, Mr. President, it is our duty to see that the measure introduced will really effect what Government desire, *viz.*, that these young men should not have provided for themselves a literature which sends them to the gallows.

Mr. K. Ahmed (Rajshahi Division : Muhammad Rural) : Where do they get those revolver and firearms from ?

Sir Cowasji Jehangir : I refer you to the Honourable the Home Member. I am not the Home Member. Mr. President, it is our duty to examine the question whether this measure will not affect adversely a large number of men who are at present in the journalistic profession.

Mr. B. Das : Quite so, quite so.

Sir Cowasji Jehangir : Let me candidly admit that I have been considerably impressed by the speeches of some of our lawyer friends, and even the Honourable the Law Member has admitted that if this measure goes too far, it ought to be amended. It is not the object of his House to let this measure be an instrument of terror to the journalists in India (*Several Honourable Members* : "Hear, hear"). It has one object, and one object alone in view, as far as this side of the House is concerned, and that is to prevent any journalist from printing matter that may encourage young men to resort to assassination ; it is not intended to enable this Government or any Local Government to pounce upon any favourite press or any journalist or anyone controlling a press by means of this Act. That is the fear that has been at the back of the mind of every Honourable Member who has

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spoken up till now ; and I am again ready to admit that Government ought to have seen to it that no such suspicion would lie at their door when they moved for consideration of this Bill. I do not think Honourable Members opposite are in a position to deny that the clause, as drafted or copied from the last Press Act, is extraordinarily wide and goes far beyond what Honourable Members themselves want. I will repeat what has been said by several Honourable Members here, namely that if only the Government had taken into consideration the criticism not only of the public but of High Court Judges—and there sits in our midst to-day my Honourable friend, Sir Abdur Rahim, a retired High Court Judge—if the Government had taken the criticisms of such High Court Judges into consideration before they drafted this Bill, I venture to suggest that they would not have met with the opposition that they are faced with to-day. Therefore, Sir, it now depends not upon this side of the House but upon my Honourable friends opposite whether they are going to place on the Statute-book a measure which is intended to guard and protect young men whom we so desire to protect and a measure that will in no way go an inch further (Applause).

Mr. Jagan Nath Aggarwal (Jullundur Division : Non-Muhammadan) : Sir, this piece of legislation has been subjected to much scrutiny from various sides of the House. I regret to say that, in spite of the tempting promises of the Leader of my Party, the Honourable the Home Member has not given him the assurance that he wants. Sir, when this Bill was introduced by the Honourable the Home Member in a speech marked by great restraint and moderation, I felt that something was troubling his mind ; and if I may venture to guess, I think he felt that this Bill was one of those odious pieces of legislation that were running counter to the whole current of English legislation and practice. Let me point out to you, Sir, what I mean by this. The principle underlying this Bill is in short this, that every keeper of a printing press, the moment he goes to make a declaration as he must under the law, is straightaway put upon probation. In order to carry on a certain trade, that of keeping a press for printing books, pamphlets or newspapers, he is put on probation, and he is required to deposit a security. That, Sir, it will be noticed is worse than censorship. A man, without any offence being attributed to him, without any inquiry or without any trial, is looked upon as a suspect. We go further. Having labelled him as a suspect and having got him to deposit some security, the moment the Local Government or its representative the Magistrate, performing strictly speaking not a judicial function, thinks the man has transgressed the law, the fiat goes forth that his security is forfeited. That, I submit, namely, the forfeiting of the security without any judicial inquiry, without any trial, without giving the man any chance to justify his action, or without giving anybody any opportunity to go into the case, is the basic principle of this Bill, and that is the odious part of the Bill. Sir, the old Press Act was worked in a manner that caused consternation among journalists, and all kinds of journalists united in opposition to it. It had to be repealed in 1922, but it left a bad taste behind, and it was revived in the Ordinances, and they still were modelled on the same lines as those of the Press Bill. Sir, why is it that the Government of India have all along stuck to that principle of the Bill, and why is it that the journalistic world has so far stoutly objected to the provisions of this Bill ? I submit, Sir,

the point is that, of all professions in the world, the journalistic profession or the profession of keeping printing presses is singularly marked out for this exceptional treatment. He alone is put upon probation ; and when the security is liable to arbitrary forfeiture, he is practically helpless and gone.

Now I submit to you, Sir, that the fundamental principle which underlies the liberty of the Press is not this, that any statute has guaranteed or that any law has made it clear that the Press shall enjoy any measure of liberty. The fundamental principle underlying the liberty of the Press, which the Honourable the Home Member assured us was safeguarded, is seriously endangered by this Bill, for the reason that a newspaper man is treated in a different manner from any other man. Now, Sir, the fundamental principle of the liberty of the Press, the liberty of the Press which has been made so much of in the English constitution, that fundamental principle we are transgressing here. Let me explain the position in a few words in a layman's language. Suppose a newspaper man extols a murder, we all detest it. Now in the case of this man, you pounce upon him and forfeit his security. But suppose another man got upon the platform and did precisely the same thing, is there any law under which you can take hold of him and get Rs. 5,000 out of him without any trial ? Why, then, are you treating the newspaper man or the keeper of a press differently ? Is there any law which will enable a Magistrate or a police officer to go to their houses and take from their pockets Rs. 2,000 worth of security. That I submit, Sir, is the underlying mischief of this Bill to which we all object. (*Cries of "Hear, hear"*.) We have had recited to us a list of violent crimes committed, a list of objectionable literature extolling murders. We are only too happy to assist the Government in all reasonable ways and certainly in an emergency, but we must insist that you should put the newspaper man and every other man on the same level, and give the newspaper man the right of being tried in a court of law. We are prepared to go with you as far as is reasonable, but not to do away with the traditional safeguards and to rely solely on the whims of executive action. Sir, the more you feed this appetite for arbitrary action, the more it grows. Sir, for all manner of things, people have been taken to task under the Press law. I remember a case in which merely for printing a programme of the Congress, or printing news of the holding of a certain meeting, a paper was taken to task.

Mr. B. Das : Shame, shame.

Mr. Jagan Nath Aggarwal : However much you may try to have recourse to a High Court, you cannot get that remedy which is your due. Therefore, I say, in answer to the appeal of the Honourable the Home Member, that when we find that there is a crop of this kind of literature, and this kind of crime flourishes, then let us face the thing in the right way, not in this tinkering way, not in this way which is contrary to all the principles of constitutional progress at a time when we are trying experiments in constitutional progress, by substituting the executive function for the judicial function. If your Magistrate thinks that the man has violated the law, let this man have a fair trial. Let him be tried by this very Magistrate and let his judgment be a judgment of the court. That is a fundamental point underlying the Bill, and I do not think that point can be remedied in any other way. We must have him a right of trial. Why are these newspaper men looked upon as being so vile and

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vulgar that they should be dealt with so sternly by the executive and not by the courts of the land ? In vain I looked in the speech of the Honourable the Law Member, much as I admired it, for any indication as to why these journalists are being treated in this extraordinary fashion ? Are they the vagabonds of the land ? He paid a great compliment to my friend, Mr. Ranga Iyer, who had denied journalists great influence in the land, but that is not all. He said the influence of a newspaper ought not to be judged only by the circulation it enjoys. But I appeal to him, is it fair to treat the journalist as an outcast ? The moment he is treated as a suspect he is treated singularly in a manner not justified by the canons of civilised administration. That is the fundamental principle underlying the Bill and I respectfully submit that neither the Home Member nor the Law Member has justified this extraordinary Bill. It may be said we have given you a beautiful provision in the shape of an appeal to the High Court. Unfortunately, I had a taste of it. I had on one or two occasions to knock my head against these provisions. These provisions of clause consisting of 7 or 8 sub-clauses were read by me over and over again. I was impossible to escape through the meshes of it. Whether a man escape through them or not, a man finds himself in an impossible situation when an appeal is made to the High Court. The position is that the Magistrate has pronounced that his security is forfeit and an appeal is made by the keeper of the press. How is the appeal to be argued ? Where is the material ? The material is the Magistrate's fiat saying that so-and-so's security is forfeit because in such and such publication there were offensive words. What is to be done ? Where is the material on which you can go up to the High Court ? There is only one document from which you can prove your innocence. Where is the material to prove the guilt ? The person who is the appellant—and this is the most important point and I would like the Honourable the Law Member to justify it—has got to prove to the High Court that it is impossible for that document to come within the scope of that clause ? Is there any such provision in the laws of the land or in any other land in which a person is called upon to prove the negative ? We are always required to prove the affirmative. We are required to prove that this document is seditious, whereas in this law it is laid down that you shall be required to prove that this document is not seditious.

Sir, I have not troubled the House with quotations from the decision of Sir Lawrence Jenkins in the *Comrade* case, but if I remember aright Mr. Justice Stephens pointed out that his task was a stupendous task, more difficult than that of any other Judge in the British Empire, that he had to find from one document the intention of a person and to see whether a person had succeeded in proving the negative. No Judge in the British Empire has been called upon to do that. Therefore, I submit that the right of appeal which is superimposed on the executive action, the basis of which is not a judicial trial, is absolutely ludicrous. You cannot get the sense of security which you are entitled to get in the case of a person who has proceeded against. Therefore, he goes without any trial and inquiry and this provision of the Bill is absolutely of no avail to him.

Now, Sir, the other day when this matter was gone into, the Leader of the European Party, was pleased to observe that papers like the *Tribune*, the *Hindu* or the *Leader* need have no fear from it, like his own. But he took the trouble to look into the files of these papers to see what these

papers have got to say about it. I have got all these papers with me, and almost all of them have expressed their indignation on its introduction and on the possibility of its passing through this House. Let me give you a couple of lines from each of these papers. I do not wish to weary the House. The *Tribune* in its issue of September, 11, has said :

"It (namely, the *Assembly*) will be committing a capital blunder if it does not oppose tooth and nail the proposal for referring the Bill to a Select Committee. That proposal should be met both directly by opposing the motion and indirectly by a motion for circulation of the Bill. Let all those Members who were so profuse in paying their tribute to the memory of Mr. K. C. Roy prove the sincerity of their profession. Let them remember both that Mr. Roy was a life-long fighter for the liberty of the Press and that his very last act in life was to attend the Assembly, though he was in extremely bad health, with the deliberate object of opposing this particular measure."

Similarly, the *Leader* and the *Hindu* have also given their unalloyed opposition to this Bill. That being the case, my submission to the House is that in this measure you are giving a kind of treatment to the keeper of the newspaper press which is inconsistent with the whole principle of jurisprudence, and therefore it is no wonder that everybody outside has objected to it. The other day, it was pointed out that this Bill is confined to cases where there is an attempt at incitement to murder and therefore its operation will be limited to a certain section of the Press and no decent paper has any reason to fear from it. One would be surprised to read words like this :

"If every time a Hindu youth murders a British official, a young Englishman retaliated by murdering a Congress leader, the effect would be deplorable, but there would be no inequality of justice."

An Honourable Member : What is the name of the paper ?

Mr. Jagan Nath Aggarwal : I am just going to give you the name. You will bear with me, Sir, that this is only in answer to the huge volume of extracts. You will remember, Sir, that it was admitted by the Law Member and by the various speakers that these papers had very little circulation and hardly any reading public. In fact, they maintained that most of them were so obscure that the names of a good many of them were not known. But the paper that I am reading from is not at all an obscure paper. It is one of the foremost papers coming from Bombay. It is the *Times of India, Illustrated Weekly*, dated the 13th September, 1931. I will not quote it verbatim, but will give you the gist of it. Dealing with the Chittagong murder, it says that here is a situation in which a Muhammadan officer was shot dead by a terrorist. The Muhammadan community straightaway retaliated by a reprisal and this is a lesson for the bureaucracy. I just give the very words and not paraphrase :

"The fact however, that on this occasion the official selected for assassination was a Muhammadan led to complication. Unlike the British community, which has limited itself,

Honourable Members will mark the words "British community".

"on similar occasion to passing resolutions urging Government to punish the real instigators, the co-religionists of the murdered police official in Chittagong took the law into their own hands and wreaked their revenge indiscriminately on the community from which the assassin was recruited."

Well, Sir, one might say this is a neutral passage, nothing of laudation or praise of the murderer. But it proceeds :

"With almost comical indignation the Congress papers in Calcutta protest that the deceased Police Inspector was assassinated not because he was a Moslem, but because he was a policeman ! The Moslem community are not impressed by these superfine distinctions."

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This is laudation of what happened there :

" They have watched with growing amazement the impunity with which a succession of British officials have been murdered, as also increasing boldness of the real instigators of these crimes as they have realised that their activities do not involve any risk to their own skins or even restrictions of their liberties. The Muhammadan community have taken the earliest opportunity to indicate that they do not mean to adopt an equally quiescent attitude. If Muhammadan officials are murdered there will be immediate reprisals..... Although mob outrages are always deplorable, the lesson to be drawn from the Chittagong affair is that, if a policy of terrorism is to be pursued, it will not long remain one-sided "—

I do not know if there can be greater incitement to murder or violence :

" If every time a Hindu youth murders a British official, a young Englishman retaliated by murdering a Congress leader, the effect would be deplorable, but there would be no inequality of justice. I cannot of course imagine any development of that sort actually accruing but if it did, some of the Hindu leaders might begin to realise the iron self-restraint under which the British community—forced to look on impotently as one after another of its members is foully murdered—is now labouring. As testified in the roughest fashion, at Chittagong, the Muhammadan community, when subjected to similar outrages, refuses to subordinate itself to the same inhibitions, but hits back quick and hard. As a result the Murder Club will probably think many times before it decrees the death of another Muhammadan, even though he may chance to be a police officer."

If this is the cult and if this is the trouble, by all means meet it. Do not make any distinction, whether it is a small paper or a large paper, whether its editor is white, brown or black, but rope in everybody and deal with them sternly in a proper manner. I am at one with Government in taking action for proper maintenance of law and order. But any attempt to whittle down the above principles cannot be countenanced ; the principles underlying the Bill are vicious and should be done away with. Legislation should be taken up in the proper manner to punish such offenders, but no tinkering here and there will serve the purpose in view.

Mr. N. M. Dumasia (Bombay City : Non-Muhammadan Urban) : I confess that when I came to this House I did not come with an open mind. I was biased against the Bill when I read clause 4 in which I scented danger to the liberty of the Press. But after the admirable speeches that have been made by Members on all sides of the House, especially after the convincing speech by the Law Member, I find it impossible to withhold my support to this measure so long as it is confined to one class and it is specifically limited to the terrorist movement. It is impossible to withhold our support to the suppression of terrorist activities, but it is difficult to support clause 4 as it is worded. It is more elastic and less definite as it stands now. It should be made more definite and less elastic and it should be made as clear as possible that it is confined to the terrorist movement alone. Otherwise, as my Honourable friends, Mr. Ranga Iyer and Sir Hari Singh Gour, pointed out, this will forge a fetter round the neck of journalists which every one with the love of liberty of the Press must strongly oppose. Sometimes these apparently innocent-looking measures unless well-defined prove to be most obnoxious and dangerous to the liberty of the Press. We all deplore the cult of anarchy which has made its ugly appearance in the country, but Government are not to be absolved from blame for the appearance of the ugly cult of anarchy. Government have failed to take notice of the signs of the time ; they have failed to take notice of the political grievances of the people ; they have failed to take

notice of the economic grievances of the people ; and they have failed to take prompt measures against those who indulge in incitement to violence. Government for a long time abdicated its functions and that in itself has proved a danger to society. The Government excuse that they do not take any notice of those writings simply because the Press is obscure does not absolve them from their responsibility to protect society (Hear, hear). If they had not neglected that duty, they would not have found it necessary to bring forward this measure. Unless clause 4, which is the operative clause is amended in the light of criticisms of the late Chief Justice Jenkins, one of the ablest Judges, the Government will find opposition not only from this House but from outside, all over the country.

We must make it clear in the Select Committee that this Bill will be confined only to the terrorist movement, and for other crimes of violence, they must resort to the Penal Code.

I want to say a word about the penalty. In the original Press Act, the penalty was Rs. 10,000 maximum, now it is Rs. 20,000, if you put it upon the keeper of the Press as well as on the publisher, and printer. This provision is much more harsh than the previous one. I think Government must reduce the liability of the printer and publisher to Rs. 5,000 and the keeper of the press to Rs. 5,000, so as to make the total penalty Rs. 10,000 as in the old Press Act. Then I am of opinion that this Bill will not serve the purpose for which it is made as the agitators will find other means of demonstrations in favour of murderers in the shape of processions and hartals. That is a feature which you should not fail to take into account. The only remedy for bringing about the cessation of this violence is to take the people more and more into confidence and grant them a machinery so that they may be enabled to remove their own grievances. I am sure if we achieve what the Round Table Conference seeks to achieve, I do not think we will hear of any cult of violence in this country.

Sir, whether the cult of violence is to continue or whether it is to stop, rests in the hands of Government.

Then, Sir, the appeal to the High Court must be before the demand for deposit is complied with and not after the forfeiture of the deposit. Government must allow all judicial safeguards. We are living in the 20th century, when the school master is abroad and we have learnt the lessons of freedom. We have imbibed the lessons of freedom from the history of England itself. I think it is impossible to curb the liberty of the Press and the more you curb the liberty of the Press, the more will other means of expressing the people's grievances be found. I am still of the opinion that this Bill will not serve the purpose for which it is intended unless Government conciliate the people. Sir, as an Anglo-Indian paper has pointed out, it is morally foul and politically disastrous to encourage or praise the detestable cult of assassination. I am glad to find that there is not a single Member in this House who favours the cult of assassination, nor is there anybody in the country who would favour it. But, Sir, as you know, communist principles are abroad and socialist principles are embraced readily, and the people know what is happening in other countries, and if they imitate the example of other countries, the blame must be placed on the education which they have received.

Sir, I have said that I am ready to give my qualified support to the Bill, provided the obnoxious features of this Bill are done away with. We reserve to ourselves the right of rejecting this measure when it emerges

[Mr. N. M. Dumasia.]

from the Select Committee if we find that it is not to our satisfaction. Sir, nobody will accept any principle which forges a new fetter around the Indian Press. As one of the oldest journalists, I say that Government ought not to have placed this responsibility upon the House unless Government themselves were prepared to shoulder their own responsibilities. Government ask for our co-operation when they want to forge new fetters around the Press, but when we ask Government for their co-operation what do we get from them ? Only defiance and defiance alone. Sir, Government must also be amenable to reason and amend clause 4 as suggested by the Leader of the Opposition. If they do so, I am sure there will be no opposition to this measure. I hope there will be no necessity to make use of this measure, which is only for one year, and that after a year with peace and tranquillity prevailing in the country it will be removed from the Statute-book.

Dr. F. X. DeSouza (Nominated Non-Official) : Sir, I rise to support the motion that this Bill be referred to a Select Committee. When a Member of this Honourable House, who

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is jealous of the liberties of his country and proud of its traditions, is asked by his vote to support a measure which imposes some restriction upon the Press of this country, it must cause him grave searchings of the heart before he supports such a measure. The Honourable the Home Member, who introduced the Bill in a speech characterised by the greatest moderation, enunciated two propositions. The first is that the experience of the last few years has proved the existence of a strong revolutionary party the object of which is to overthrow the established Government, to destroy the established order of society and thus create a reign of terrorism. The second is that the activities of this party are very largely strengthened by some sections of the Press, who either directly incite to murder and crimes of violence, or without going to the extent of direct and overt incitement, covertly by damning with faint denunciation the murder and investing the murderer with the halo of a saint, martyr and patriot, encourage the commission of these crimes. The Honourable the Home Member said that if these two propositions are proved, the conclusion necessarily follows that some action must be taken to stop the activities of these people. Sir, it is unnecessary for me, after the speeches that have been made by Honourable Members opposite, who have practically admitted the principle of the Bill, to analyse at any great length the evidence which the Honourable the Home Member has placed before this House. The existence of this conspiracy cannot be disputed for one moment. Looking at the list of the terrible crimes, we find that during the year 1929 there were as many as 13 crimes of violence, during the year 1930 as many as 74, and during the year 1931 up to the 31st August, as many as 128. Only within the last few weeks, the tale becomes gruesome. On the 22nd July, last, an attempt on the life of the Governor of Bombay ; on the 23rd July the murder of Lieutenant Hext on the train ; on the 27th July the murder of Mr. Garlick, the District Judge of Alipore ; on the 21st August an attempt on the life of Mr. Cassells, the Commissioner of Dacca, and on the 30th August the murder of Khan Bahadur Ashanulla, Inspector of Police at Chittagong. Can it for one moment be argued that this series of crimes, perpetrated in different parts of the country are isolated and sporadic ? Is it not clear that they are the work of a revolutionary active party working secretly throughout the length and breadth of this land ?

The obvious result of the commission of violent crimes like these is not only to impair the morale of the officials of Government, whether European or Indian, but they have thrown the citizens of this country into a state of nervous tension. An Honourable Member of this Legislature belonging to the Upper House told me the other day that, much as he would have liked to avail himself of the privilege of travelling by reserved compartment to which he is entitled, from Madras, he feared to do so, for during these days of terrorism he was afraid that he might be attacked by an assassin if he were alone.....

Mr. B. Das : Was he a non-official Member ?

Dr. F. X. DeSouza : Yes.

Mr. B. Das : Then he is a coward. (Laughter.)

Dr. F. X. DeSouza : Turning now to the second point, that the activities of the revolutionary party are strengthened by the teachings of certain sections of the Press, I have read carefully the sixty-six pages of extracts from about seventy journals which have been supplied to us by the Home Department. These extracts range from all sorts of incitements to violence, murder and red ruin down to a glorification of the murderer, while professing to condemn his crime. I shall not read any of these extracts, but I shall only comment on one or two criticisms made by Honourable Members on the other side. They said, "What is the object of making so much fuss of these insignificant sheets whose names even are unknown to us and whose circulation is limited ? They really form the gutter Press of this country : why should we take notice of them at all and give them unnecessary importance ?".....

Mr. N. M. Dumasia : There you fail to do your duty to protect society ?

Dr. F. X. DeSouza : I think when Honourable Members on the other side said that these papers have little or no circulation or influence on public opinion, they must have spoken with their tongues in their cheeks. They know as well as I know, perhaps even better than I do, that it is this class of journalism which has the greatest attraction and which is swallowed with the greatest avidity by young men of immature minds.....

Mr. N. M. Dumasia : And yet you take no action !

Dr. F. X. DeSouza :by young men who indulge in political discussion, which after all they have every right to do : and feeling as we all do that there is something wrong in the state of Denmark, they fall back upon this section of the Press to find a true solution of the trouble. I am not speaking merely upon conjecture. I speak from the records of the courts. Honourable Members are aware of the case of the young man who has just been convicted of the attempted murder of the Governor of Bombay : he was a young man belonging to a good family, a man of education, who in the ordinary course would have obtained distinction in his profession, but who fell under the evil influences of papers like these and allowed himself to commit the crime of which he has been found guilty.....

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : On a point of order. Is my Honourable friend entitled to discuss a case which is still *sub judice* ? It may have been decided by the first court : but I understand an appeal has yet to be filed in the case.

Mr. President : Has the case been decided ?

Mr. B. R. Puri : No ; not finally : my submission is only this, that if the conviction has taken place in the trial court, an appeal has yet to be heard. I think it may amount to prejudicing the case of the appellant if the merits of his case are discussed in this House.

Mr. President : On a question of fact : is the Honourable Member quite sure that an appeal has been lodged ?

An Honourable Member : It is bound to be.

Mr. President : The point of order can only be dealt with if there is some evidence to show that the case is still *sub judice*. If an appeal has been preferred, it would be *sub judice* and the Honourable Member would not be allowed to comment on it. The question is one of fact. Unless I am assured that the case is really *sub judice*, I cannot interfere with the Honourable Member's observations. Will any Honourable Member tell me as a matter of fact whether an appeal has been preferred ?

Mr. Amar Nath Dutt : The time for filing an appeal has not expired as yet. And so long as there is time to file an appeal I think the case should be considered as *sub judice*.

Mr. President : Has the Honourable Member any definite information on the subject ?

Dr. F. X. Desouza : I shall not press the matter further. All that I wish to say is this : I might have referred to other cases in which the accused persons, belonging to very good families and coming from very good homes, who in the ordinary course would have been an ornament to their professions and in time might have become ornaments even of this House, have been found guilty of offences like political assassination, and this sort of thing gives one furiously to think. Any Member of this Assembly, may have some one dear and near to him undergoing education in colleges and other educational institutions : it is not unlikely—if we are to judge by the cases that have already been decided—that the class of young men who will be affected by propaganda of this character will be young men of generous instincts, of noble ideals, perhaps perverted ideals, who are prepared to sacrifice their lives and their liberty in pursuance of what they consider to be a heroic act. Are we prepared to allow these young men, these immature youths, at this the most emotional part of their career, to be debauched in the pregnant phrase of the late Mr. Eardley Norton, or to allow this deadly poison to be injected into them, in the words of His Excellency Lord Irwin in his inaugural speech opening the session of last year, while we look on debating about the definition of the permissible limits of justifiable criticism of political assassination ? Should we not rather throw theory to the winds, and holding that the public safety after all is the ultimate law, pass a measure of this kind ? To me it seems that we shall be closing our eyes to the realities of the situation if we discuss theoretical limits of public criticism and allow this sort of propaganda to be carried on by the Press.

One pertinent observation was made by Honourable Members on the other side, and it is, why is it that the ordinary law is not adequate for dealing with this evil ? But everybody is aware that the ordinary law is absolutely inadequate for the simple reason that it allows of dissemi-

nation of the pernicious matter long before it can be suppressed. Even in countries which we consider to be the freest countries, even in England, the Executive Government possess powers of confiscation and forfeiture without resorting to the remedy of an ordinary trial. Last year we heard of a London Magistrate confiscating the issues of a novel written by a well known writer on the ground that, in his opinion, it had an immoral tendency. The Society of Journalists in London and the Society of Authors raised their powerful voices against a confiscation of this nature. They said it was scandalous that a decision as to whether a particular book was or was not of an immoral tendency should be left to the unfettered discretion of a single London Magistrate ; but their protests were of no avail and the decision was upheld. It is absolutely necessary in a case of this kind, where there is danger of public dissemination of pernicious matter, that the executive should possess summary powers.

Sir, a few words more and I have done. Strong objection was raised by some Honourable Members on the ground that clause 4 of the Bill was too comprehensive, so that any paper against whom the executive had a grudge could be easily dragged in. But, I think, Sir, that Government have made the position perfectly clear, that it is only direct or indirect incitement to violence in the ways mentioned in the Bill that will come within the purview of the clause, and if Honourable Members consider that the wording is too wide, it is certainly open to them in the Select Committee to suggest other wording to carry out the intention of Government. To me, Sir, it seems strange that anybody who is a follower of the doctrines of Mahatma Gandhi could for one moment have any hesitation in supporting this Bill. I believe that the prevalence of violent writings in certain sections of the Press was brought to the notice of Mahatma Gandhi himself a few months ago, and the Mahatmaji said in his issue of *Young India*, dated the 28th May, 1931, as follows :

"I have before me extracts from journals containing some gruesome things. There is communal incitement and gross misrepresentation to political violence bordering on murder. It is of course easy enough for the Government to launch out prosecutions or pass repressive ordinances."

But, says the Mahatmaji :

"It will serve the purpose only temporarily and in no case will it convert the writer. The real remedy lies with the journalists associations. Why should we not create a department whose business it would be to study the various journals and bring them to the notice of the people ? "

That precisely, Sir, is the policy that Government are pursuing. By bringing forward this measure, the Government have attempted to stop temporarily the spread of the dangerous poison that is now infecting the youth of this country. But they say it is only for a short period, say for a year or two or three at the outside. Meanwhile the presidents and secretaries of the various journalists associations throughout India should exercise their influence, and by persuasion and co-operation create a sort of public opinion among the journalists themselves so as to prevent the appearance of articles of this nature in the Press. That is all I wish to say, Sir, and with these few words, I support the motion that the Bill be referred to a Select Committee.

U Tun Aung (Burma : Non-European) : Sir, I must congratulate my Honourable friend from Burma, Mr. Tait, on his able maiden speech,

[U Tun Aung.]

but I regret I am unable to follow in his footsteps in supporting the motion.

Mr. B. Das : He wants to separate you from India.

U Tun Aung : Sir, I feel very sorry that my Honourable friend dragged in the question of anti-Indian feelings which are alleged to prevail in Burma. After hearing the speech of His Excellency the Viceroy this morning, I thought the Honourable Members in this House understood that things in Burma had been restored to their normal conditions and all the alleged anti-Indian feelings or anti-anybody's feelings had died away. I cannot therefore see why the Press, whose function has been praised so highly should be muzzled at this moment. The Honourable Members are aware, I believe, that at the present moment we have in Burma the unfortunate Burma Ordinance, applicable to that country alone, (*an Honourable Member* : "Shame"), and in that Ordinance special provisions have been embodied for the control of the Press. I cannot therefore appreciate the necessity for another Press Act further to control the Press in Burma. If the Honourable Members will pursue the extracts which have been made available to us by the official Benches in justification of this measure, they will see that not a single passage was taken from any of the newspapers in Burma ; and this fact shows that the Press in Burma has been behaving quite well, and I fail to understand why under such circumstances the Press in Burma should be placed under any control whatsoever as is proposed to be done by this Bill. You know, Sir, that Burma has until recently been unfortunately placed in a miserable plight, but it is fast getting out of the wood. No doubt during those disturbed days there might be some unfortunate cases of Indians being victimised willfully or otherwise but that alone should not in fairness to Burma be construed as sufficient justification to prove that the Burmans as a nation are against Indians. No doubt in 100 cases of Burmese deaths there may be a few cases of Indians being assaulted or killed, but the House must remember that in times of trouble and difficult discrimination of race or colour could not be expected as necessity knew no law, and all those people who were particularly hard hit by the depressed economic conditions could not but yield to the irresistible methods of force and lawlessness. Unfortunately such hard hit people attacked the rich people, and unfortunately among those rich people there happened to be some Indians. Sir, these unfortunate incidents that took place during the disturbed days should be treated as past history. It is therefore most unfortunate that my Honourable friend from Burma should have dragged in that question here. The relationship between the Burmese and the Indians, I may say, has again begun to resume the previous cordial nature, and I need hardly say that Burmans as a very hospitable race love their neighbours and fellow beings. As I said before there is now an Ordinance in Burma to deal with the situation which has very much eased now, and this fact will be testified to by the Chief Secretary who is now the official Member from Burma, and I do not see why India along with Burma should be saddled with another piece of legislation which, although on the face of it, it may not appear to be repressive, but when placed in the hands of

Executive, we cannot safely say that it will not be abused. In this connection, Sir, I would like to bring to your notice unfortunate fact that in Burma a member of the Legislative Council representing the disturbed area, Tharrawaddy, addressed a letter to the Secretary of State for India in which he set out all the facts relevant and necessary for the purpose of showing why the rebellion had taken place. Without showing any reason, without showing any justifiable cause, that letter addressed by a member of the Legislative Council to the highest authority for India in the British Parliament has been withheld, and that letter, which has been printed, has been proscribed by the Burma Government. When a responsible member of the Legislative Council makes an attempt to represent matters to the higher authorities for necessary redress or rectification, even in such a case the Government come in and interfere. In fact, if that letter had been placed before the British Parliament, it would have shown the actual conduct of the Government dealing with the situation in Burma. It would also be seen that the rebellion could be very well ascribed to the outrageous activities and excesses committed by those very people responsible for the maintenance of law and order. Their lawless activities had led to lawless conditions, and these facts were embodied in that letter, but that letter had been withheld. Now, Sir, if even in such a legitimate effort of a responsible person to get affairs righted the Government thought it fit to interfere how much worse abuses, would Government commit if this Bill were passed into law? It is only paying a much too hollow compliment to say that the papers in the country are functioning side by side with the Government and that they are affording great assistance to the Government, and yet the Government contemplate gagging them in an undue manner by this Bill. It must be remembered that the terrorist activities, these incitements, contained in these extracts from papers most of which are unknown—these took place when the whole country was in a great stir and upheaval asking for the realization of the political aspirations. Now that great disturbance has, I hope and trust, been considerably allayed firstly by the world famous agreement known as the Gandhi-Irwin pact, and latterly by the agreement of Mr. Gandhi to go to England. When we are now gradually getting out of the thick atmosphere of distrust and discontent and when all the attentions of the country are being fixed upon the possible achievements in the Round Table Conference in England, it will be most unfortunate—nay it is sadly inopportune that a Bill of this nature should be ushered in by the Government. Sir, you know too well the temper of the country. When Government by such an Act show distrust for the people, how can you expect their co-operation and co-ordination? A Bill of this nature will tend to invite people—shall I say incite people—to honour it more by breaches than by observance, and this being so the Bill, if passed into law, will fail most lamentably in its aims and objects. I think that it will be well advised if the motion for circulation be accepted by the Government, so that the necessary circle of public opinion may be available for consideration when the Bill is brought forward in the Delhi Session, and the House will then be in a better situation to come to a proper decision. The House will then be in a happier position to decide whether the necessity for controlling the Press was really desirable. At the present time we are simply asked to take a leap in the dark simply on the frail materials such as the extracts of newspapers which are admittedly insignificant

[U Tun Aung.]

and unknown in the country and in respect of which no proceedings whatever have been taken. Are we justified in at once agreeing to have this measure referred to a Select Committee, thereby agreeing in principle that such a measure is desirable at this juncture? I feel that the materials on which this Bill has been founded are still insufficient and the time is most inopportune for this Bill to be introduced now. So far as Burma is concerned, the Burma Ordinance No. 5 is already there, much undesirable though it is, and on the top of it, if this Bill were passed into law, I for one would not be surprised if there is a renewed and unnecessary stir in the country, resulting in activities which this measure is intended to prevent. I would therefore say that tolerance for the present moment would enable the readjustment of the disturbed state of the public mind and I fully trust that there will be more peace than would be otherwise if this Bill were passed into law.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I do not propose, Sir, to speak at any length on this Bill, but there are a few points which occurred to me during the course of the discussion to which I have listened, and I think that it might be worth while to place them before the House.

One obvious feature of the debate has been that, while a number of speakers have made it clear that they see difficulties and objections, and that they will require to be satisfied about these, there has been very little whole-hearted opposition to the Bill, very little root and branch opposition, though my Honourable friend, Mr. Das, got very near it, though his phrase was tooth and nail and not root and branch. So frankly indeed did he disclose his attitude, that when he spoke of assisting the Government, I felt somewhat apprehensive.

"Timeo Danaos et dona ferentes."

"I fear the Greeks when they come with gifts in their hands."

I confess I had some doubt in my mind whether the offer of help was whole-hearted. My Honourable friend also claimed in his speech to speak on behalf of India. Mr. President, when I think of India, I think of something grand, awful and mysterious, but when I think of Mr. Das, I think of a very worthy colleague with an abnormally suspicious mind. (Laughter.) Therefore, I am not prepared to accept him altogether as the mouthpiece of India. Another speaker, Mr. Aggarwal, I think, raised objections of principle which, in his view, if he carried them to their logical conclusion, would prevent him accepting the Bill in any shape or form. but I believe it is true of most of the other speakers that while, as I say, they had objections and difficulties which they would like to see removed, they were not altogether opposed to the consideration of the Bill.

Another feature of the debate which struck me was that more than once one speaker answered another, not designedly but by implication, and some of the arguments adduced against the Bill seemed to be quite admirable arguments in support of it. On the last day, my Honourable friend, Mr. Ranga Iyer, devoted some time in the opening part of his speech to an attack upon the Anglo-Indian Press. I think I ought on behalf of Government to express our indebtedness to him for establishing the necessity of controlling at least one section of the Press. Again, to-day Mr. Aggarwal read an extract from a Bombay newspaper and it seemed to me that the

natural inference from his argument was that there was great need for control, and more than that—for there was a further inference to be drawn from the quotation—that unless we take care in our Bill to stop loopholes and to insert words such as “by inference or implication”, we shall be unable to exercise that control which is needed. I am indebted to the Honourable Member for an admirable example of why we have to be careful about the drafting of the clauses in this Bill. You all of you remember the old story of the pick pocket. He was caught and was about to be ducked at the pump when the aggrieved party said, “Whatever you do, don’t nail his ears to the pump”. That was an encouragement to violence but in form it was the reverse, for the opening words were “Whatever you do, don’t”. Therefore I say, if you wish the Bill to be effective for its purpose, it is necessary to prevent obvious evasions. Another example of what I have in mind is to be found in the speech of the Honourable the Leader of the Opposition. He wanted to know if the publication as news in a newspaper of speeches of the kind objected to would be considered incitement to violence. My answer is “why not?”, but if a further answer is needed I would refer him to my Honourable friend, Mr. Ranga Iyer. Mr. Iyer told us how much mightier the platform was than the Press—and when I listened to my Honourable friend and reflected how formidable he would be on the platform, and how dangerous if his talents were misdirected, I was very nearly convinced—but if the speeches to which my Honourable friend referred were open to the strong objection which he told us they were, then surely their publication for the purpose of broadcasting must be open to the same objection as an article originating in the newspaper itself. What we are after is prevention; our object is not punishment as such but to prevent, if we can, certain mischief from being done. Again my friend, Mr. Ranga Iyer, said it was altogether unfair that the public speaker should get off scot free and that the journalist should incur heavy penalties. Now, I take it that the speeches he referred to did not fall within the mischief of the ordinary law. At present Local Governments of course take action under the ordinary law against speeches in which they are advised that the speaker has transgressed the law. As I have said, my Honourable friend told us that what was really doing the mischief was the platform and not the Press. Well, I will put him a straight question. If we introduce a Bill punishing speeches of the kind he condemned, can we rely upon him for his support? Because, if not, then I submit that his argument is entirely worthless and is intended to mislead the House in order to secure the rejection of the Government proposals.

Once again my Honourable friend, the Leader of the Opposition, said that the newspapers printed in the vernacular were doing the harm and argued that the provisions of the Bill should be confined to the vernacular Press. I am not a lawyer, Mr. President, but it would seem to me a somewhat curious proceeding to enact that a certain statement was a crime in Hindustani, Bengali, Guzerati and Mahratti, but was not a crime if made in English. This discrimination according to language would be a novelty in our system of jurisprudence which I think this House should be very slow to accept.

Now, Sir, as regards the main motion, I think that the natural termination of the discussion to which we have listened would be the reference of the Bill to a Select Committee. Whatever difficulties Honourable Members opposite may have, I believe that the great majority of them desire to

[Sir George Rainy.]

do what is right in order to discourage the terrorist movement which they know, as well as we do, is doing untold harm. The Honourable the Leader of the Opposition, however, raised certain difficulties. In the first place, I think this is clear that the speakers on the other side have made their attitude perfectly plain, and that it would be impossible for any one on this side to charge them with inconsistency, if, having allowed the Bill to go to a Select Committee, they were subsequently to say "The amendments made do not satisfy us and we must vote against the Bill". They protected the Opposition quite definitely and clearly. They have safeguarded their position effectually on this point. But my Honourable friend, the Leader of the Opposition, wanted something more. He will get a reply from my colleague, the Home Member, in due course, but there is one thing I want to say at once and it is this. If we invite the House to go into Select Committee, we do not do so with the intention of raising pettifoggish objections and points of order. We do not desire to raise technical objections as regards amendments on the ground that they are contrary to the spirit of the Bill. That is not the spirit with which we shall enter the discussion and it is really the spirit that matters in a case of this kind. Whether or not a particular amendment is contrary to the principle of a Bill is always a matter for the decision of the Chair, but certainly it is not the intention of Government, as I say, to go into Select Committee with the idea of tripping up Honourable Members on the other side. I do, therefore urge as strongly as I can that the important points which have been raised in this debate—and I do not deny that they are important—can with most advantage be discussed in Select Committee. When we take into account the measure of underlying agreement there is on all sides, any other termination to the debate would be a wrong termination. But some of my Honourable friends opposite will say, "Why not agree to circulate, why not wait for another three months?" Of course it would not be three months, for the Assembly does not usually sit in December, and I am afraid it would be the end of February before the Bill become law. This is not a matter which has been taken up hastily, at short notice. The evil which we seek to remedy has been working havoc in our midst during the past months. If there are, as I claim that there are, good reasons for legislating at all, then there are good reasons for legislating at once. (*Cries of "Hear, hear."*) I know that Honourable Members opposite do appreciate the difficulties under which Government officers are carrying on their work all over India; but I wonder whether they quite realize how great the strain must be, not at the headquarters station, but in the districts, and especially in the Province of Bengal, I believe it would make a very great difference not only to the feelings of these officers but to the zeal and the earnestness which they put into their work and the manner in which they carry out their duties if they could feel that they had the support not only of the Government behind them—for, after all, it is the business of Government to support their officers—but had also the support of the Central Indian Legislature. Sir, it is for this that I would appeal. I believe that the passage of the Bill would do more to hearten and encourage our very deserving officers in the plains than almost anything else (Loud applause).

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 15th September, 1931.

LEGISLATIVE ASSEMBLY.

Tuesday, 15th September, 1931.

The Assembly met in the Assembly Chamber at Eleven of the Clock,
Mr. Deputy President in the Chair.

QUESTIONS AND ANSWERS.

SAFEGUARDING OF MUSLIM INTERESTS IN ACCOUNTS AND AUDIT OFFICES IN THE NORTH WEST FRONTIER PROVINCE.

250. **Mr. S. C. Mitra** (on behalf of Maulvi Muhammad Shafee Daoodi) : (a) Has the attention of Government been drawn to a message in the *Muslim Outlook* of the 19th July, 1931, regarding reduction of about 24 Peshawari clerks as a result of the proposed amalgamation of the Frontier Civil Accounts and Audit Offices ?

(b) Are Government aware that this news has created an alarm in the educated circles of the province, since the local Muslim employees in these offices are temporary ?

(c) Is it a fact that :

(i) Muslims form only 43 per cent. of the present total strength of the Accounts Offices at Peshawar ;

(ii) out of it only 21 per cent. belong to that province ;

(iii) the share of this community in the supervising staff is about 22 per cent. ; and

(iv) the combined ratio of Muslims and non-Muslims of the Frontier in these offices is about 30 per cent. ?

(d) If reply to parts (b) and (c) above be in the affirmative, will Government be pleased to state what specific steps they propose to take to safeguard Muslim interests at the time of the proposed retrenchment ?

The Honourable Sir George Schuster : (a) and (b). Government have seen the message mentioned, and have also received representations on the subject.

(c) (i). Muslims form 45 per cent. of the present total strength of the Accounts and Audit offices at Peshawar.

(ii) Of these 55 per cent. belong to the Frontier Province, i.e., about 25 per cent. of the total strength.

(iii) The percentage of Muslims in the supervising staff is 28.

(iv) The combined ratio of Muslims and non-Muslims of the Frontier Province is 34 per cent.

(d) I would refer the Honourable Member to my reply to question No. 249, on the 11th instant.

**EXEMPTION FROM THE NEW CUSTOMS DUTY OF OUTSTANDING CONTRACTS
FOR THE IMPORTATION OF WHEAT.**

251 ***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state whether it is a fact that when a customs duty of Rs. 2 per cwt. on imports of foreign wheat was newly imposed on the 1st April, 1931, the contracts which were then outstanding were exempted from payment of customs duty ?

(b) If the reply to part (a) above is in the affirmative, what was the quantity of such outstanding contracts as shown by each one of the importers, separately for each port, and the total quantity so shown ?

(c) Were the outstanding contracts, referred to above, all found to be for account of importers alone or some were also found to have been wholly or partially placed or sold to dealers ?

(d) Who were the officers that kept record of the then outstanding contracts and who verify those figures with imports which are now taking place ?

(e) What quantity out of the outstanding contracts, referred to above, has been imported up to 31st July, 1931.

(f) What quantity of the outstanding contracts referred to above still remained to be imported as on 1st August, 1931 ?

The Honourable Sir George Rainy : (a) I invite the Honourable Member's attention to the provisions of section 3 of the Wheat (Import Duty) Act, 1931. I would point out at the same time that the provisions of the Act had effect from the date of introduction of the Bill, namely the 20th March, and not from 1st April.

(b) The quantities of contracts outstanding on the 20th March, 1931, were :

Bombay	..	..	..	32,995 tons.
Rangoon	..	..	..	2,888 tons.
Calcutta	..	..	..	79,353 tons
				subject to a variation of 3,774 tons more or less.

Total about 115,236 tons subject to a variation of 3,774 tons more or less. The Government of India have not obtained details of the importers and the quantities of wheat imported by each of them.

(c) Partly for the account of the importers themselves and partly for the account of the dealers.

(d) The Collectors of Customs.

(e) 116,461 tons of wheat have been imported up to the 20th August, 1931.

(f) Assuming that the total quantity, mentioned as the variation figure in reply to part (b), will be imported into India, 2,549 tons of wheat were outstanding on the 20th August, 1931.

DISCHARGE OF MUSLIM WORKMEN FROM THE NORTH WESTERN RAILWAY.

252. *Seth Haji Abdoola Haroon : (a) Has the attention of Government been drawn to an article under the heading " Muslims in North Western Railway, Electrical Branch ", which was published in the *Muslim Outlook* of Lahore in its issue of the 24th July, 1931 ?

(b) Will Government be pleased to state whether the figures of reduction of daily workmen given in the above article are correct ? If so,

(i) what was the reason that 90 Mussalmans were discharged against 33 Hindus and 11 Sikhs ;

(ii) what was the total strength of employees of each community working as daily workmen, of whom 90 Mussalmans, 33 Hindus, and 11 Sikhs were reduced as referred to above ; and

(iii) what is the reason of such discrimination being shown towards Mussalmans ?

(c) Will Government be pleased to state whether the figures of salary shown in the article above referred to against employees of each community of the clerical establishment are correct ?

(d) If so, will Government be pleased to state what were the causes that led the authorities to differentiate between Hindus and Mussalmans both as regards the strength of clerical establishment and the grades of pay ?

(e) Will Government be pleased to state what action they intend to take for redressing the injustice done to Mussalmans as shown in the article above referred to ?

Mr. A. A. L. Parsons : I have called for information and will communicate with the Honourable Member on its receipt.

REPRESENTATION OF MUSLIMS ON THE NORTH WESTERN RAILWAY.

253. *Seth Haji Abdoola Haroon : (a) Has the attention of Government been drawn to an article under the caption " The meeting of Muslim employees of Railway ", which was published in the *Daily Inqilab* of Lahore in its issue of 22nd July, 1931 ?

(b) If so, will Government be pleased to state :

(i) whether it is a fact that Mr. K. M. Hassan was deputed on special duty only with a view to bring about adequate representation of Mussalmans in the Department concerned ;

(ii) if so, whether his recommendations to the Railway Board receive attention, and if so, will Government quote instances of acceptance and rejection by the Board of his recommendations ;

(iii) if it is a fact that Mr. K. M. Hassan has not been empowered to fill in posts directly if at any time any vacancy occurs ; and

(iv) if it is a fact that Mr. K. M. Hassan has not been given adequate power to hear the cases of Muslims in cases of their dis-

missal and when injustice has been done to them as referred to in the article quoted above ?

(c) If replies to part (b) (i), (iii) and (iv) above are in the affirmative, will Government be pleased to state what was the object of appointing Mr. K. M. Hassan on special duty ?

Mr. A. A. L. Parsons : (a) No.

(b) While the answer to part (a) is in the negative, the following information may serve the Honourable Member's purpose :

(i) Mr. K. M. Hassan has been placed on special duty to advise and assist Railway Administrations with a view to securing fullest compliance with the policy of Government regarding the adequate representation of Muslims and other minority communities in the various classes of non-gazetted establishments and to report on these matters to the Railway Board.

(ii) A preliminary report has just been received from Mr. Hassan and is under consideration.

(iii) Yes, but instructions have been issued to the Agents of State Railways to co-opt Mr. Hassan to act as a member of Selection Board when such a Board is convened in connection with recruitment and if it is not possible to appoint a Muslim officer of the railway to serve on it.

(iv) It is open to Mr. Hassan to report any cases in which injustice has been done to Muslims to the Agent and, if necessary, to the Railway Board.

(c) The object of placing Mr. Hassan on special duty is explained in the answer to part (b) (i).

APPOINTMENT OF MUSLIMS IN RAILWAY ACCOUNTS OFFICES.

254. ***Seth Haji Abdoola Haroon :** (a) Is it true that in the Management Branch of the Railway Accounts Office there is no chance for Muslim candidates to enter into service as referred to in the article under the heading "The meeting of Muslim employees of Railways" appearing in the *Daily Inqilab* of Lahore, dated 22nd July, 1931 ?

(b) If the reply to part (a) above is in the affirmative, what action do Government propose to take to increase the number of Muslim employees in the above branch ?

Mr. A. A. L. Parsons : (a) It is understood that the question relates to the employment of Muslims in a particular section of the Accounts Office. If so, the reply is that the proportion of the minority community in an office is applied to an office as a whole and not to any particular section of the office.

(b) Government are not prepared to fetter the discretion of heads of officers as to the manner in which they should distribute their staff amongst the various sections of the office.

PREPARATION OF THE MORAL AND MATERIAL PROGRESS REPORT OF INDIA.

255 ***Mr. C. S. Ranga Iyer :** Will Government be pleased to state :

(a) Why the task of preparing the Moral and Material Progress Report ("India in 1929 and 1930") was entrusted last year to "officers" of the Bureau of Information ;

(b) why the said Report does not appear over the name of the Director of Public Information as in the past ; and

(c) whether this innovation is only for 1929-30 or meant to be permanent ?

The Honourable Sir James Crerar : (a), (b) and (c). There was no change in procedure last year. The preparation of the Moral and Material Progress Report has always been entrusted to the officers of the Public Information Bureau, the work being done either by the Director or under his supervision, by the Deputy Director, or jointly by both. The prefatory note to the Report was modified at the request of the Director so as to remove the responsibility for the views expressed therein from any one individual officer.

REPORT OF THE ROYAL COMMISSION ON LABOUR.

256. ***Mr. C. S. Ranga Iyer :** (a) Will Government be pleased to state if any correspondence has passed between His Majesty's Government and the Government of India on the Report of the Royal Commission on Labour in India ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to place the said correspondence on the table ? If not, why not ?

(c) Is it a fact that His Majesty's Government expect the Government of India to bring in early legislation to give effect to the recommendations of the Whitley Commission ? Do Government propose to do so ? If so, when ?

Mr. J. A. Shillidy : (a) and (b). In view of the questions which have been asked in Parliament regarding the action which is proposed to be taken on the recommendations made by the Royal Commission on Labour, the Secretary of State has asked how the Government of India propose to deal with the Report. The matter is still under consideration and the Government of India regret that they are not in a position to place a copy of the letter on the table of the House.

(c) The Government of India have received no communication to this effect from His Majesty's Government. The Report of the Whitley Commission is receiving close attention but no conclusion has yet been reached on any of the recommendations.

Mr. C. S. Ranga Iyer : Will Government be pleased to state when they are likely to publish their recommendations or their conclusions ?

Mr. J. A. Shillidy : I think, I would like to remind the Honourable Member, as I have no doubt he is already aware, that the Report runs to something over 470 pages. There are over 300 recommendations, some of which will have to be dealt with by the Central Government, while a great many of them will have to be dealt with by the Provincial Governments. Other recommendations can only be dealt with by workers and employers in conference or in agreement. It will not be possible for the Government of India to undertake to state what their conclusions will be on all the recommendations within any specified time. It is a very big work before us.

RETRENCHMENT PROPOSALS OF THE JUKES REPORT.

257. *Mr. Bhuput Sing : Will Government be pleased to state :

- (a) whether it is a fact that the Jukes Committee was appointed with a view to find out possible avenues in the civil administration of the Government of India in which some sort of retrenchment could be effected ;
- (b) whether it is a fact that the committee came into being as the effect of some decision arrived at by the Government of India on a Resolution of the Legislative Assembly ;
- (c) whether it is a fact that after the session of the Assembly was over in July 1930 immediately steps were taken by the Government of India to include some more appointments under the Protected Services with the consent of the then Secretary of State for India ;
- (d) whether it is a fact that such a step to augment the cadre of Protected Services was taken without the knowledge of the Legislature ;
- (e) whether it is a fact that the list of such appointments was published in an issue of the *Gazette of India* in August 1930 ; and
- (f) how such a step by which expenses in the civil administration were sure to augment was to fit in with the retrenchment scheme that was then being sought to be worked out ?

The Honourable Sir George Schuster : (a) No Committee was appointed. Mr. Jukes was placed on special duty in the Finance Department to carry out in conjunction with that Department a detailed and technical review of the various causes operating to increase the administrative expenditure of the Central Government and to explore avenues of economy.

(b) The circumstances in which Mr. Jukes's appointment was made are briefly described in paragraphs 80—82 of my speech introducing the Budget for 1930-31 to which I would invite the Honourable Member's attention.

(c) to (f). It is not clear what particular appointments are referred to, but if the Honourable Member has in mind the case of the re-organisation of the cadre of the Indian Political Department which received the sanction of the Secretary of State in May 1930, I would point out that those portions of the scheme which would, if put into effect, involve extra expenditure, are being held in abeyance, for the present, on financial considerations.

REPATRIATION OF INDIAN SETTLERS FROM BRITISH COLONIES.

258. *Mr. Bhuput Sing : Will Government be pleased to state :

- (a) the British colonies and possessions which have undertaken the repatriation of the Indian settlers from those places ;
- (b) the details by which such a scheme is worked in those places ;
- (c) whether the Government of India have had any knowledge or intimation of such a scheme before it came into operation in those places ; and

- (d) whether they have thought of any retaliatory measure in respect of the people of those places which have undertaken the repatriation of the Indian settlers ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b), (c) and (d). Indian labourers who emigrated to Fiji, British Guiana, etc., under a system of indenture were generally entitled to a free return passage in accordance with the terms of their agreement. Many of them avail themselves of this right. In South Africa an Assisted Emigration Scheme was brought into force as a result of the Cape Town agreement. Any Indian wishing to avail himself of this scheme is granted a bonus in addition to a free passage. In Ceylon and Malaya, economic depression, principally due to the fall in the price of rubber, has led to the discharge of a large number of Indian labourers who are being repatriated free of cost. The Government of India have remained in close touch with the situation in all its stages. The Honourable Member will observe that repatriation is not compulsory. The question of adopting retaliatory measures therefore does not arise.

Mr. Gaya Prasad Singh : Is it contemplated to instruct our delegates who will attend the Round Table Conference at Cape Town not to agree to a scheme of assisted emigration or repatriation ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : For the present no instructions have been framed.

Mr. B. Das : Will the matter be kept in view by the Government of India ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Certainly.

RETRENCHMENT IN ACCOUNTS AND AUDIT DEPARTMENTS OF STATE RAILWAYS.

259. ***Mr. Bhuput Sing :** Will Government be pleased to state :

- (a) whether in view of impending retrenchment schemes the Accounts and Audit Departments of the State Railways will be amalgamated and the Central Office cut down at Delhi ; and
- (b) whether operatives of machine-accounting employed in State Railways will remain partially suspended for the sake of economy ?

Mr. A. A. L. Parsons : (a) The question is being considered.

(b) Most of the experiments started by Mr. Scott with regard to mechanised accounting have been suspended, but there is no proposal at present to suspend such processes of machine accounting as have passed the experimental stage, like the Clearing Accounts Office.

RESTRICTION OF STORES PURCHASES.

260. ***Mr. Bhuput Sing :** Will Government be pleased to state :

- (a) the projects that have been formulated for restricting the activities of the Stores Purchase Department with a view to economise expenses ;

(b) the particulars by which such projects are to be carried into effect ; and

(c) the total amount that is expected to be saved by the operation of such projects ?

Mr. A. A. L. Parsons : It is understood that the Honourable Member refers to the work of stores purchase undertaken by railways. This is not dealt with by a separate department, and forms a fairly small portion of the work performed by the Chief Controllers of Stores on the different railways. For some time past the agency of the Indian Stores Department has been utilised for the purchase of certain classes of stores, and at periodical meetings with the Chief Controller of the Indian Stores Department additions are made to the list of articles so purchased. But though to some extent the purchasing activities of the Chief Controllers of Stores on railways have been curtailed in this way, a charge is made by the Indian Stores Department for purchase, so that it is impossible to say that the cost to railways of their purchasing organisation as a whole has been reduced. In so far as the Chief Controllers of Stores on railways are concerned, any decrease in their purchasing work owing to the arrangements with the Indian Stores Department has been effected by an increase in the local purchase of stores under the new Stores Purchase Rules.

CONSTRUCTION OF A CENTRAL RAILWAY STATION IN CALCUTTA.

261; ***Mr. Bhuput Sing :** Will Government be pleased to state -

(a) whether there will be a Central Station at Calcutta on the completion of the Bally bridge ;

(b) if so, the year by which such a project will be taken in hand ,

(c) whether in the event of the establishment of the Central Station at Calcutta all through mail and passenger trains from the East Indian Railway will run direct up to that place ;

(d) the time by which the Bally bridge is expected to be completed and trial trains will run up to Sealdah ; and

(e) the estimated cost for the construction of the Calcutta Central Station ?

Mr. A. A. L. Parsons : (a) No.

(b), (c) and (e). Do not arise.

(d) The Bally Bridge is expected to be opened at the end of December, 1931.

DEFICITS INCURRED IN THE ADMINISTRATION OF BURMA AND THE BURMA RAILWAYS.

262. ***Mr. Bhuput Sing :** Will Government be pleased to state :

(a) whether the administration in Burma has been carried on year by year with a regular deficit ;

(b) if so, the total amount of such deficits incurred during the last two decades ;

- (c) whether the Burma railways have always been carried on with a loss ever since their introduction ; if so, the total amount of such loss ;
- (d) whether it is a fact that the Government of India have had to make annually contributions towards the military expenditure of Burma ; if so, the total amount paid during the last two decades ; and
- (e) the nature and particulars of contributions that the Government of Burma have to make to the Government of India year by year ?

The Honourable Sir George Schuster : (a), (b), (d) and (e). Precise replies to most of these questions are not possible. I, however, will send to the Honourable Member a printed note (copies of which have been supplied to Members of the Standing Finance Committee) which will give him same information on these points, and also some indication of the difficulties in furnishing exact answers.

(c) No. On the contrary from 1900 to 1930 there has been an annual profit.

RATE WAR CARRIED OUT AGAINST THE PIONEER MOTOR TRANSPORT STEAMER COMPANY IN EAST BENGAL.

263. ***Mr. Bhuput Sing :** Will Government be pleased to state :

- (a) whether they ever received any representation from an inland indigenous steamer company by the name of the Pioneer Motor Transport Company in East Bengal regarding rate-war carried against that company by two other inland British steamship companies by the names of I. G. N. S. and B. I. S. N. .
- (b) if the answer to part (a) is in the affirmative, the steps they were pleased to take in the matter ;
- (c) the manner in which they moved in the matter ;
- (d) the effect of the steps they have taken ;
- (e) whether the steps are calculated to protect other indigenous companies in a similar predicament ; and
- (f) whether similar complaints from other Indian steamer companies have also reached them from other places in India ?

The Honourable Sir George Rainy : (a), (b) and (c). The attention of the Honourable Member is invited to the Commerce Department Resolution and Notification both numbered 351-M. I. (2)30, and dated the 25th July, 1931, which were published in the Gazette of India of the same date.

(d) The Government of India have no information as to the effect of the steps taken by them, but have so far received no further complaints on the subject.

(e) The orders issued by the Government of India relate to a particular stretch of inland waterway, and apply to all inland steam-vessels plying on that run, but they do not affect inland steamer companies plying on other runs.



(f) One other complaint has been received and the complaining company has been asked to furnish the Government of India with a full statement of its case.

PROPOSALS BEFORE THE RETRENCHMENT COMMITTEES.

264. *Mr. Bhuput Singh : Will Government be pleased to state :

- (a) whether there were any proposals before the Retrenchment Committee concerned to circumscribe the activities of the Tar Board for the sake of retrenchment ; if so, the decision finally arrived at by Government ;
- (b) whether there were any proposals before the Retrenchment Committee concerned to limit the activities of the Imperial Agricultural Research Association for the same purpose ; if so, the decision arrived at by Government ;
- (c) whether there were any proposals before the Retrenchment Committee concerned to suspend the annual Simla move of the civil departments for the next three years by way of retrenchment ; if so, the decision arrived at by Government ;
- (d) whether in effecting retrenchment the members of the Committee experienced any difficulty in getting over the effect of the last recommendations ?

The Honourable Sir George Schuster : I regret that I cannot make any statement regarding the proposals under consideration by the Retrenchment Committees until Government have received and considered their reports.

REGULATION OF MOTOR VEHICLES IN AJMER-MERWARA.

265. *Khan Bahadur Haji Wajihuddin : (a) Is it a fact that under rule 93 (b) of the rules for the regulation of motor vehicles in Ajmer-Merwara, framed by the Honourable the Chief Commissioner Ajmer-Merwara, permission is granted to a *limited* number of proprietors of motor-buses to ply for hire in the district ?

(b) Is it a fact that the effect of the above rule has been that some particular proprietors of motor-buses have acquired from Government the *monopoly* of the use of certain public roads, whereas all motor-buses owned by other proprietors and plying for hire are forbidden to use the said public roads ? If so, will Government please state on what grounds the monopoly of public roads is given to a few persons and why others are denied the enjoyment of the right of using public roads ?

(c) Is the monopoly of the use of particular public roads given to the highest bidder at public auction ? If not, why not ?

(d) Do Government propose to abolish the grant of monopoly of the use of public roads in Ajmer-Merwara to particular proprietors of motor-buses plying for hire and to throw open the use of such public roads to all the proprietors of registered and licensed motor-buses ? If not, why not ?

Mr. E. B. Howell : (a) Rule 93 (b) of the Ajmer-Merwara Motor Vehicles Rules provides that :

“ The District Authority shall have the power to regulate the number of proprietors of motor buses and motor lorries plying for hire in the District or on any particular road, and the number of such vehicles that may be allowed on any particular road.”

In accordance with this rule a maximum number of public motor omnibuses allowable on each route, except the two routes on which for special reasons monopolies have been allowed, has been fixed by the District Authority which consists of the District Magistrate, the Superintendent of Police, the Executive Engineer and two non-official members.

(b) The monopolies were given more than three years before this rule came into force. There was, however, a similar rule in force at that time to the following effect :

“ The District Authority shall have the power to regulate the number of proprietors of motor buses and motor lorries plying for hire in the district.”

Only two monopolies have, as stated above, been allowed. One is on the Beawar-Todgarh Road. There is not much traffic on this road and, as it is a hilly road and dangerous in parts, a monopoly is considered advisable. The other is on the Nasirabad-Kekri-Deoli Road. The monopoly system was introduced because the competitive system had been tried and found to be most unsatisfactory. Many complaints were received from the public and it was decided that a regular, punctual and efficient service for the small and isolated towns of Kekri and Deoli could only be secured if a contract for the service carrying with it the mail contract were given to a single firm. There is very little traffic on this road and no scope for healthy competition. The contract only extends to public passenger omnibuses.

(c) No. There is no question of auction, as the right to ply omnibuses is not sold.

(d) The matter has been very carefully considered in all its aspects and on the recommendation of the District Authority the Local Administration has decided that when the present monopolies expire further monopolies shall be granted but not necessarily to the present contractors. Offers will be invited and when all applications have been received the contracts will be given to the applicants considered best qualified to provide the public with an efficient service at reasonable rates. The reasons have been explained in the answer to question (b).

ABOLITION OF THE POST OF EDUCATIONAL COMMISSIONER WITH THE GOVERNMENT OF INDIA.

266. ***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that the Indian Retrenchment (Inchcape) Committee recommended the abolition of the post of the Educational Commissioner with the Government of India after the inauguration of the reforms introduced by the Government of India Act, 1919 ?

(b) Is it a fact that instead of abolishing the post of the Educational Commissioner, the Government of India abolished the post of the Superintendent of Education of Delhi and Ajmer-Merwara and amalgamated the duties of the said post with the Educational Commissioner in 1923 ?

(c) Have Government received complaints that, since 1927 the affairs of the Education Department in Delhi and Ajmer-Merwara have suffered from great mismanagement ?

(d) Is it a fact that the post of Superintendent of Education, Delhi and Ajmer-Merwara, has been revived and the Educational Commissioner with the Government of India relieved of the duties of the Superintendent of Education of Delhi and Ajmer-Merwara ? If so, why ?

(e) Do Government propose to abolish the post of the Educational Commissioner with the Government of India as recommended by the Incheape Committee in view of the present financial crisis ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (c). Yes.

(b) The post of Superintendent of Education for Delhi and Ajmer Merwara was held in abeyance and the Educational Commissioner with the Government of India was put in collateral charge of the duties of that post in 1923 as an experimental measure.

(d) Yes. The combination of the two posts under a single officer proved to be most unsatisfactory and prevented the Educational Commissioner from doing justice to the duties of either appointment. The Chief Commissioners of Delhi and Ajmer-Merwara both protested against the continuance of the arrangement. A post of whole-time Superintendent of Education for Delhi, Ajmer-Merwara and Central India has accordingly been created temporarily, as an experimental measure, up to the 31st March, 1932.

(e) Government consider it essential to have a post of educational expert at headquarters, but are considering whether in present circumstances there can be any temporary reduction in its status.

ABOLITION OF THE POST OF ASSISTANT SUPERINTENDENT OF EDUCATION IN AJMER-MERWARA.

267. ***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that on the amalgamation of the duties of the Superintendent of Education of Delhi and Ajmer-Merwara with those of the Educational Commissioner with the Government of India, a part-time Assistant Superintendent of Education for the Delhi Province and a whole-time Assistant Superintendent of Education for the Province of Ajmer-Merwara were appointed ?

(b) Is it a fact that on the revival of the post of the Superintendent of Education of Delhi and Ajmer-Merwara in 1931 the post of the part-time Assistant Superintendent of Education, Delhi, has been abolished ?

(c) Is it a fact that the post of the Assistant Superintendent of Education of Ajmer-Merwara has not been abolished, in spite of the appointment of the whole-time Superintendent of Education ?

(d) If reply to part (c) above be in the affirmative, do Government propose to abolish the post of the Assistant Superintendent of Education of Ajmer-Merwara in view of the present strain on the public funds ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b) and (c). Yes.

(d) No. Government consider that the retention of the post is necessary.

COMPLAINTS AGAINST THE ISTIMRARDAR OF PISANGAN.

268. ***Khan Bahadur Haji Wajihuddin** : (a) With reference to Government's reply to starred questions Nos. 268 to 275, in the Legislative Assembly on the 16th July, 1930, regarding complaints against the istimrardar of Pisangan, will Government please state whether they have received a report from the local authorities on all those questions ? If not, will Government please place the said report on the table ?

(b) Will Government please state what action they have taken in the matters mentioned in those questions as promised in Government reply under reference ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes. A copy of the answers to the questions referred to by the Honourable Member was placed in the Library of the House in January last. The answers contain the information furnished by the local authorities.

(b) Government had only promised that on receipt of the report from the local authorities they would consider what further action, if any, should be taken. They came to the conclusion that the only action necessary was to revise the Ajmer Land and Revenue Regulation. The revision will be undertaken as soon as circumstances permit.

CONFERENCE ON THE INDIAN QUESTION IN SOUTH AFRICA.

269. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : (a) Will Government be pleased to state what arrangements are being made for the conference between representatives of the Government of India and of the South African Government to be held early next year ?

(b) Has the personnel of the Conference been decided ; if so, what ?

(c) What are the terms of reference to this Conference ?

(d) Will Indians domiciled in South Africa be directly represented at the conference ? If not, why not ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b) and (c). The Conference is arranged to be held in Cape Town between the 10th and 15th January, 1932. The personnel has not yet been settled. The agenda will be arranged as on the last occasion at the beginning of the Conference, when the representatives of both countries meet. Briefly, the subjects for consideration will be the Cape Town Agreement of 1927 in the light of experience gained since its inception, and the position in the Transvaal with which the Asiatic Tenure (Amendment) Bill was intended to deal.

(d) In a conference between the representatives of the two Governments, *prima facie* there is no scope for inclusion of direct representation of the resident Indian community. Every endeavour will, however, be made to ensure that the representatives of this community are given suitable facilities to place their views before the Indian Delegation to the Conference.

Mr. K. Ahmed : When are the representatives of the Government of India expected to start from India and when are they expected to return to Delhi ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Return as early as possible.

APPOINTMENT OF MR. BOVENSCHEN TO THE ARMY RETRENCHMENT SUB-COMMITTEE.

270. *Mr. B. Das (on behalf of Mr. K. C. Neogy) : (a) Will Government be pleased to state the terms on which Mr. Bovenschen was brought from the War Office as a member of the Army Retrenchment Sub-Committee ?

(b) What are the qualifications for which he was selected as a member ?

The Honourable Sir George Schuster : (a) I lay a statement on the table.

(b) Mr. Bovenschen has had wide financial experience at the War Office in which he has served for 23 years. He has held, among other posts, that of Private Secretary to Sir Charles Harris, then Assistant Financial Secretary to the War Office, Financial Adviser to the Master General of Ordnance, and Assistant Secretary in charge of the Estimate Branch.

Statement showing the terms of employment of Mr. Bovenschen.

1. Pay as Assistant Secretary, War Office—paid by the Secretary of State, in England—at the rate of about £1,360 a year.
2. Outfit allowance £50.
3. Voyage allowance at £66-13-4 a month from 21st May—date of departure from London—to 5th June, 1931, date of arrival in Bombay and for return journey.
4. Daily allowance at Rs. 15 when not in receipt of travelling allowance.
5. Compensatory allowance at Rs. 1,000 a month in India.
6. First class B. P. and O. return passage to England.
7. First class travelling allowance in India under the Fundamental Rules.

These terms give him practically the pay of a European member of the Indian Civil Service of 23 years' service.

The Honourable Sir George Schuster : It may interest Honourable Members to know in connection with this question that I have received a letter signed by all the four Members of the Legislature who are on this Sub-Committee and who were present when they saw this question expressing very great appreciation of the services of Mr. Bovenschen. The letter ends as follows :

“ As you know to many of us on the Committee, Army matters were a sealed book hitherto and we can say most confidently that Mr. Bovenschen was most helpful to us and we are looking forward to his invaluable assistance in finishing the labours entrusted to us and we hope it will be possible for you to secure his services again when we next meet which we hope to do in December.”

Mr. Gaya Prasad Singh : The names of Members who signed this ?

The Honourable Sir George Schuster : Diwan Bahadur T. Rangachariar, the Honourable Major Akbar Khan, Sir Muhammad Yakub and the Honourable Sardar Shiv Deo Singh Uberoi.

Mr. B. Das : Did the Honourable Member ask for the opinions of these Honourable Members or were they voluntary ?

The Honourable Sir George Schuster : It was an entirely voluntary testimonial.

THE MOVE TO AND FROM SIMLA.

271. *Mr. B. Das (on behalf of Mr. K. C. Neogy) : (a) Will Government be pleased to state the date for the official move of the Government of India Secretariat to Delhi for the forthcoming winter ?

(b) Will Government be pleased to state when the Government of India will be moving up to Simla from Delhi for next summer ?

(c) Is there any intention to curtail the period of stay in Simla in the next summer ?

(d) What are the offices of the Government of India Secretariat which will be moving up to Simla for the next summer in full strength and what offices will move up in reduced strength ?

(e) Which of the attached offices now moving up to Simla will be located in Delhi for the next summer ?

(f) Are the Government of India aware that officers and members of establishment have to renew their house leases for the next year long before they move down to Delhi ? If so, do Government propose to make an early announcement on the subject of the move to Delhi and the move up to Simla next year ?

The Honourable Sir James Crerar : (a) The offices of the Government of India will close in Simla on the 17th October and re-open in Delhi on the 19th October, 1931.

(b) No date has yet been fixed.

(c) The period of stay in Simla varies to a certain extent from year to year owing to exigencies of work. There is no intention at present to make any change in the existing practice.

(d) and (e). I am unable to give an answer to these questions at present. The question of reducing the staff which comes up to Simla has been raised by the Retrenchment Committee and will be examined by the Departments concerned.

(f) The dates of the forthcoming move to Delhi have already been published and those for the move to Simla next year will be announced as early as practicable.

Mr. Gaya Prasad Singh : May I know if the Report of the Retrenchment Committee will be placed on the table of the House and an opportunity given to Honourable Members to express an opinion before action is taken thereon ?

The Honourable Sir George Schuster : That, Sir, is a question to which Government cannot give any specific answer just at present. As announced by His Excellency the Viceroy in his speech yesterday, Government will take an early opportunity to inform the House of their plans as regards finance and the consideration of the Retrenchment Committee's report.

NAMES OF MEMBERS OF THE BOMBAY ADVISORY COMMITTEE OF THE GREAT INDIAN PENINSULA RAILWAY.

272. *Mr. Muhammad Azhar Ali (on behalf of Mr. Abdul Matin Chaudhury) : (a) Will Government be pleased to give a list of the names

of individuals, nominated by the Agent, Great Indian Peninsula Railway, to the Bombay Advisory Committees during the last six years ?

(b) How many of the nominees have been drawn from the staff of the *Times of India* ?

(c) Do the Great Indian Peninsula Railway and other railway officials place large printing and publishing orders with the *Times of India* ?

Mr. A. A. L. Parsons : (a) and (b). Under the constitution of the Bombay Advisory Committee of the Great Indian Peninsula Railway, the Agent is allowed to nominate one member to the Committee. His nominee has been Mr. Sheppard, Editor, *Times of India*, since June 1924, and during Mr. Sheppard's absence from India for about six months in each of the years 1925, 1926 and 1929, Messrs. Walker, Linklater and Low, respectively, who are on the staff of the *Times of India*, were nominated by the Agent.

(c) The Great Indian Peninsula Railway, the Central Publicity Bureau, Indian State Railways, and the Railway Board place some of their printing orders with the *Times of India* Press. Government have no information as to what other railway officials place orders for printing with this Press.

**PAYMENTS BY THE GREAT INDIAN PENINSULA RAILWAY TO THE
Times of India OFFICE FOR PRINTING AND STORES.**

273. ***Mr. Muhammad Azhar Ali** (on behalf of Mr. Abdul Matin Chaudhury) : (a) What is the sum total of bills passed through the Publicity Office, Great Indian Peninsula Railway, to pay the *Times of India* in respect of printing and stores during 1929 and 1930 ?

(b) What were the corresponding receipts of the *Times of India* in 1927 and 1928 ?

(c) Have Indian presses been patronised on a similar scale ?

(d) Are Government aware that printing concerns in Calcutta are relatively ignored in railway publicity ?

Mr. A. A. L. Parsons : (a), (b) and (c). I place on the table a statement showing the total amounts of the bills paid to the *Times of India* Press and other Indian Presses during the four financial years ending 31st March, 1931.

(d) Printing concerns in Calcutta have been given orders for printing miscellaneous publicity material which the Eastern Bengal and East Indian Railways were unable to print in their own presses.

Statement.

	1927-28.	1928-29.	1929-30.	1930-31.
	Rs.	Rs.	Rs.	Rs.
<i>Times of India</i> Press ..	36,761	51,511	67,131	53,906
Other Indian Presses..	38,439	35,814	60,782	37,618

Figures shown against the *Times of India* Press do not include the following payments made for the printing of the All-India Time Table for

which tenders were invited before the order was placed with the *Times Press* :

1929-30.	1930-31.
Rs.	Rs.
73,978	54,985

Mr. B. Das : Is the Honourable Member aware that the Government printing presses are at times idle and may I know why the Railway Board do not invite quotations from the Government printing presses for publishing the activities of the Publicity Department ?

Mr. A. A. L. Parsons : We do place a good deal of our work with the Government printing presses, but if the Honourable Member's suggestion is that when, for example, the East Indian Railway or the Eastern Bengal Railway have surplus work which they cannot do, they should invite the Government presses in Calcutta to compete for that work, I will have that suggestion considered.

Mr. B. Das : That was my suggestion.

APPOINTMENT OF THE PUBLICITY OFFICER OF THE GREAT INDIAN PENINSULA RAILWAY AFTER CONSULTATION WITH THE *Times of India*.

274. ***Mr. Muhammad Azhar Ali** (on behalf of Mr. Abdul Matin Chaudhury) : (a) Is there anything on record to show that the Publicity Officer of the Great Indian Peninsula Railway was selected after consultation with the *Times of India* in order to ensure "harmonious co-operation" ?

(b) Are Government prepared to lay on the table the correspondence which led to the appointment of the Publicity Officer of the Great Indian Peninsula Railway ? Is he a close relative of the *Times of India's* nominee on the Board ?

Mr. A. A. L. Parsons : (a) No. The officer in question was in the service of the Great Indian Peninsula Railway before his appointment as Publicity Officer and the *Times of India* had nothing whatever to do with the appointment.

(b) There was no correspondence. If the suggestion is that there is a nominee of the *Times of India* on the Railway Board, the Honourable Member must be aware that it is entirely without foundation.

EMPLOYEES OF THE *Times of India* NOMINATED TO THE BOMBAY RAILWAY ADVISORY COMMITTEE.

275. ***Mr. Muhammad Azhar Ali** (on behalf of Mr. Abdul Matin Chaudhury) : (a) Are Government prepared to caution the Agent of the Great Indian Peninsula Railway against the practice of restricting his nomination on the Advisory Board to the Directors and employees of the *Times of India* ?

(b) Is it a fact that there is no representation of Labour on the Committee ? If so, are Government prepared to advise the Agent on the desirability of transferring the *Times of India's* seat to a representative from the Railwaymen's Federation ?

Mr. A. A. L. Parsons : (a) and (b). There is no representative of Labour on the Great Indian Peninsula Railway's Bombay Advisory Committee. As stated in my reply to the Honourable Member's question No. 272, under the constitution of this Committee, the Agent is allowed to nominate one member to the Committee, and Government do not propose to interfere with the Agent's discretion in making this nomination.

CLOSING DOWN OF THE OPERATIONS OF THE RAILWAY PUBLICITY DEPARTMENT.

276. ***Mr. Muhammad Azhar Ali** (on behalf of Mr. Abdul Matin Chaudhury) : (a) Have Government decided to close down the operation of the Railway Publicity Department ?

(b) How many officers have been discharged from railway publicity work since January 1st, 1931 ? How many of them are Indians ?

Mr. A. A. L. Parsons : (a) No.

(b) Two, one of whom is an Indian.

MESSRS. TATA AND COMPANY'S OFFERS FOR RUNNING THE AIR MAIL SERVICE IN INDIA.

277. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly make a statement giving in brief detail the offers made from time to time by Messrs. Tata's for running the air mail service in India, and the circumstances under which they were not accepted by Government ?

(b) What is the present position and future prospects of this air service, and how has it been affected by retrenchment ?

Mr. J. A. Shillidy : (a) Messrs. Tata Sons Limited have submitted three schemes for the operation of air services from Karachi to Bombay or South India.

First Scheme.—The scheme submitted in July, 1929, was shortly afterwards withdrawn and a revised scheme was submitted in November 1929. This contained 3 alternatives :

- (1) An air mail service between Karachi and Bombay.
- (2) An air mail and passenger service between Karachi and Bombay.
- (3) A seaplane service between Karachi and Colombo.

The first alternative which was given serious consideration and formed the subject of several discussions between the Company and the Department concerned involved the payment by Government of an annual subsidy of Rs. 1,10,000 in return for which all mails would be carried.

After very careful consideration, it was concluded that it would not be possible to make financial provision for this service, particularly in view of the fact that the saving in time provided was practically negligible.

Second Scheme.—In April, 1930, unofficial negotiations were opened between Messrs. Tata Sons Limited and the Director of Civil Aviation

as a result of which the Company submitted, unofficially, proposals for an air mail service, operated with small aircraft, between Karachi, Bombay and Madras. The Government of India were asked to pay Rs. 4 per lb. for the carriage of mails and to guarantee the Company an income of Rs. 98,000 a year. These proposals were given very careful consideration, until the whole programme of civil aviation expenditure was referred to the Retrenchment Committee. While proposals to abandon any Government expenditure on the Indian State Air Service from Karachi to Calcutta were under consideration, it was impossible to justify the expenditure of even the small amount of subsidy involved for another air service. The Company were informed accordingly, but in response to suggestions made to them they have now submitted a third scheme.

Third Scheme.—In July, 1931, the Company submitted, unofficially, proposals for the establishment of an air mail service from Karachi to Bombay and Madras, with a contemplated ultimate extension to Colombo, on condition that they should be given a monopoly of air mail carriage on this route for a period of 10 years at certain rates proposed.

These proposals are now being considered from the point of view of their financial effect and the practicability of the rates proposed under the terms of the universal Postal Convention. The Company has been so informed.

(b) Further information with regard to the present position and future prospects of this air service cannot be given until Government have reached a decision on the recommendations of the Retrenchment Committee.

Mr. Gaya Prasad Singh : May I know whether, before arriving at any conclusion on this important point, an opportunity will be given to this House to express its opinion thereon ?

Mr. J. A. Shillidy : I will put that suggestion before Government for consideration.

ACTIVITIES OF BRITISH INDIAN MUSLIMS IN CONNECTION WITH THE KASHMIR STATE.

278. ***Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to the proceedings of the meeting recently held in Simla attended by several Muslims of the Punjab, wherein the internal affairs of the Indian State of Kashmir were discussed and certain recommendations made ?

(b) Has the attention of Government been drawn to the proposed Muslim *jathas* to march to the State of Kashmir ?

Mr. E. B. Howell : The reply to both parts of the questions is in the affirmative.

LEADING ARTICLES IN THE *Statesman* ON THE POLITICAL POSITION.

279. ***Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to a series of leaders in the *Statesman* following the murder of Mr. Garlick ?

(b) Have Government taken legal opinion as to whether these articles offend against section 124-A and 153-A, I. P. C.? If not, do Government propose to take such legal opinion?

The Honourable Sir James Crerar : (a) I have seen the articles to which the Honourable Member apparently refers.

(b) The answer to both these questions is in the negative.

BRITISH AND INDIAN POLITICAL AGENTS AND DEPUTY COMMISSIONERS
IN THE NORTH-WEST FRONTIER PROVINCE.

280. ***Mr. S. C. Mitra :** (a) How many Deputy Commissioners and Political Agents are there in the North-West Frontier Province?

(b) How many of them are Indians and how many Britishers?

(c) How many of the British officers acting as Deputy Commissioners and Political Agents are junior in service to the Indian officers who are borne on the Foreign and Political list?

Mr. E. B. Howell : (a) and (b). There are six Deputy Commissioners (including one Joint Deputy Commissioner) and five Political Agents in the North-West Frontier Province and all of them are Europeans.

(c) Four of the Deputy Commissioners and three of the Political Agents are junior to one Indian Officer of the Political Department serving in the North-West Frontier Province. But that Indian Officer, like all the eleven European Officers above mentioned, is holding a superior appointment, namely that of District and Sessions Judge.

GAZETTED OFFICERS IN THE NORTH-WEST FRONTIER PROVINCE.

281. ***Mr. S. C. Mitra :** (a) How many officers drawing a salary of over Rs. 500 are Indian in the North-West Frontier Province?

(b) How many of them are Hindus, Sikhs and Muslims?

(c) How many gazetted officers in the (i) Educational, (ii) Medical, (iii) Agricultural and (iv) Judicial Departments of the North-West Frontier Province are Hindus, Sikhs and Muslims respectively?

Mr. E. B. Howell : A statement furnishing the required information is laid on the table.

Statement showing number of officers drawing a salary of more than Rs. 500 per mensem serving in the North-West Frontier Province.

	Hindus.	Sikhs.	Muslims.	Total.
Number of Indian officers drawing more than Rs. 500 ..	11	1	48	60†
Number of Gazetted officers serving in the Educational Department ..	Nil.	Nil.	11	11
Number of Gazetted officers serving in the Medical Department ..	9	2	10	21
Number of Gazetted officers serving in the Agricultural Department ..	Nil.	Nil.	3	3
Number of Gazetted officers serving in the Judicial Department ..	1	1	12	14

† Includes 2 Parsees and 1 Christian.

APPOINTMENT OF AGRICULTURAL DEMONSTRATORS IN THE NORTH WEST FRONTIER PROVINCE.

282. ***Mr. S. C. Mitra :** (a) How many of the Agricultural Demonstrators in the North West Frontier Province are Hindus, Sikhs and Muslims ?

(b) Is it a fact that there are at present four posts of Agricultural Demonstrators vacant ? If so, why have they not been filled up ? Are qualified candidates available ?

(c) Is it a fact that instructions have gone from the Government of India to the departmental head concerned that these posts should be kept vacant till qualified Muslims are available ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). If the Honourable Member is referring to Agricultural Assistants, I would inform him that there are 14 such appointments in the North-West Frontier Province, one of which at present is held by a Hindu and four by Muhammadans. If he is referring to Kamdars, there are twelve such posts, all of which are vacant at present.

The vacant posts of Agricultural Assistants and the posts of Kamdar will not be filled up until the agricultural policy of the North-West Frontier Province has been reviewed next month in consultation with the Agricultural Expert of the Imperial Council of Agricultural Research.

(c) No.

CANDIDATES FROM THE NORTH WEST FRONTIER PROVINCE SENT TO THE AGRICULTURAL COLLEGE, LYALLPUR.

283. ***Mr. S. C. Mitra :** (a) How many Hindus, Sikhs and Muslims are sent to the Agricultural College, Lahore, at the instance or on the recommendation of the North West Frontier Province Government annually ?

(b) Is it a fact that Government have declared that no Hindu or Sikh can be sent hereafter ? If so, what are the reasons ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) As there is no Agricultural College at Lahore, the Honourable Member is presumably referring to the one at Lyallpur. The North-West Frontier Province does not send any fixed number of students to that College, but has prior claim to nine seats in it. Candidates are not selected by communities ; nine Muhammadans and six Hindu students are there at present.

(b) No.

A COMMITTEE ON FRONTIER DEFENCE.

284. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state whether there is a Committee recently appointed under the chairmanship of Mr. Howell to consider the question of the adequacy of the defence on the frontier ?

(b) Do Government propose to place a copy of the report on the table of the House ; if not, why not ?

Mr. E. B. Howell : (a) Yes, Sir.

(b) The recommendations made in the report are still under the consideration of the Government of India, and it contains a good deal of information, the publication of which would not be in the public interest.

CASUALTIES IN THE PESHAWAR RIOTS OF 1930.

285. *Mr. S. C. Mitra : (a) Will Government be pleased to state how many people were killed and injured among the public and among the Government officials in the happenings at Peshawar on the 23rd April 1930 and in the happenings in the same city on the 31st May and 1st June 1930 ?

(b) Is it a fact that many of the killed were taken in Government lorries outside the city and buried ?

Mr. E. B. Howell : (a) So far as can be ascertained the following were the casualties :

<i>Public.</i>			Killed.	Injured.
23rd April, 1930	..	..	30	33
31st May, 1930	..	..	11	24
<i>Government Officials.</i>			Killed.	Injured.
23rd April, 1930	..	..	1	13
31st May, 1930	..	..	nil	nil

No one was killed or injured on 1st June, 1930.

(b) No ; relatives and friends were allowed to take away without hindrance the bodies of the dead for burial. The burial, however, of seven or eight of the killed whose relatives or friends could not be traced was arranged with the help of some of the citizens of Peshawar and was carried out with all due performance of the customary rites. As far as is known, no Government lorries were used.

APPOINTMENT OF A DEVELOPMENT COMMISSIONER FOR THE NORTH WEST FRONTIER PROVINCE.

286. *Mr. S. C. Mitra : (a) Will Government be pleased to state why it has been found necessary to appoint a Development Commissioner for the North West Frontier Province, and whether, in view of the financial position of that province, Government are prepared to cancel the proposed appointment ?

(b) What are the schemes for development, so far as Education, Medical relief and Agriculture are concerned, that are proposed to be taken up in the North West Frontier Province during the current year ?

(c) Have Government considered the advisability of stopping all these schemes in view of the present financial situation ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) It was found necessary to appoint a Development Commissioner in the North West Frontier Province, very largely in order that the administrator might be better able to deal with economic development in the Province.

and thus improve the financial position. Apart from this the Commissioner was required to help with the introduction of the elective principle in local bodies. It is not therefore wise to cancel the appointment of Development Commissioner.

(b) The schemes for the development of education, medical relief and agriculture, for which provision was made in the current year's Budget grants are briefly as follows :

(1) *Education*.—A sum of Rs. 66,000 has been provided to meet urgent needs in the expansion of vernacular education, mainly the training and employment of additional teachers.

(2) *Medical Relief*.—A sum of Rs. 1,26,400 has been provided to meet expenditure on schemes for the opening of 6 rural dispensaries, improvements to the Female Section of the Lady Reading Hospital, Peshawar, and the posting of women sub-assistant surgeons to three tehsil headquarters hospitals.

(3) *Agriculture*.—A sum of Rs. 13,000 has been provided to meet expenditure on the employment of additional agricultural staff.

(c) Yes. The question of holding some part in abeyance is under consideration.

**COST OF THE BARA WAFAT-KHAJURI ROAD AND THE MILITARY OPERATIONS
ENTAILED IN ITS CONSTRUCTION.**

287. ***Mr. S. C. Mitra** : (a) What is the cost of making the new road from Bara Wafat, called Khajuri Road, to which reference was made by the Prime Minister in Parliament recently ?

(b) What is the nature of the military operations that were carried out in connection with the making of this road or otherwise at the time ?

(c) What is the cost of these military operations ?

(d) How many battalions were engaged in it ?

(e) What was the total number of casualties in (i) killed and (ii) wounded during the Khajuri operations ?

Mr. G. M. Young : (a) Rs. 1,75,613.

(b) The road was built in connection with the operations undertaken to prevent Afridi incursions into the Peshawar District.

(c) The total cost of operations in the Peshawar and Kohat Districts including the movements of troops, but excluding Military Engineer Service charges and value of bombs, amounted to Rs. 33 lakhs. The total Military Engineer Services expenditure reported amounts to approximately Rs. 11½ lakhs.

(d) Initially 12 Infantry battalions and Pioneer battalion : now reduced to 2 Infantry battalions.

(e) Casualties are as follows :

Killed or died of wounds. 1 British Officer, 1 British Other Ranks, 5 Indian Other Ranks.

Wounded. 2 British Officers, 8 British Other Ranks, 1 Indian Officer and 25 Indian Other Ranks. The casualties sustained by the hostiles are not known.

COST AND EFFECT OF BOMBING OPERATIONS ON THE FRONTIER.

288. ***Mr. S. C. Mitra** : (a) What is the total cost of the bombs used in the bombing operations last year on the frontier ?

(b) What is the total number of casualties believed to have been effected by such bombing operations ?

Mr. G. M. Young : (a) Approximately Rs. 21 lakhs.

(b) No estimate is possible.

THE MOVE TO SIMLA.

289. ***Mr. S. C. Mitra** : Have Government come to any conclusion as to the need for the move to Simla ?

The Honourable Sir James Crerar : The attitude of the Government of India is explained in my reply to parts (e) and (f) of question No. 174 asked in the Assembly by Mr. T. N. Ramakrishna Reddi on the 11th February 1931, to which I would refer the Honourable Member. The question whether any reduction can be effected in the staffs of the different Secretariats who come up to Simla has been raised of the Retrenchment Committee and is still under the consideration of the Departments.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state whether he is aware that opinions of Members of both Houses of the Legislature have been called for out this point, and if so what are their opinions ?

The Honourable Sir James Crerar : I am not quite clear as to the occasion to which the Honourable Member refers.

Mr. Lalchand Navalrai : Opinions of the Members on this question of the move to Simla were called for : what I want to know is what are those opinions.

The Honourable Sir James Crerar : As I say, I am not quite aware to what the Honourable Member refers, and I would suggest that he should refer to the proceedings of this House.

Mr. Lalchand Navalrai : Very recently I got a letter from the Government of India—only a month back.

The Honourable Sir James Crerar : I am prepared to accept the Honourable Member's statement.

LACK OF DRINKING WATER AT MARWAT, BANNU DISTRICT.

290. ***Dr. Ziauddin Ahmad** : (a) What is the area of Marwat tract comprised in Tehsil (Lekki) District Bannu, North West Frontier Province, excluding the area known as Elage Nar ? Is it not over 1,500 square miles ?

(b) What is the population inhabiting this area ?

(c) Is it a fact that soil in this tract produces wheat and barley in large quantities without irrigation ?

(d) Is it a fact that there are less than half a dozen wells to supply drinking water to this tract ?

(c) Are Government aware that men and women have to walk sometimes over 20 miles every day to fetch water for cooking and drinking ?

(f) Is it a fact that there are more cases of abduction of women in this tract than in any other area ?

(g) Are Government aware that people in this tract to avoid labour of walking sometimes take drinking water from ponds where rain water is temporarily gathered after rainy season ?

(h) Are Government aware that cattle pollute the pond water, and make the water insanitary ?

(i) Is it not a fact that a large number of persons suffer from guinea-worm disease on account of drinking impure water ? What is the number of persons now suffering from this disease ?

(j) What steps, if any, have Government taken to supply drinking water ?

(k) What report, if any, has the Development Commission appointed this year in the North West Frontier Province written on this subject ?

(l) Are Government aware that money sanctioned by the District Board, Bannu, for cleaning the few wells in this tract was not spent in cleaning the wells ?

(m) Do the Government of India propose to take any step to remove the genuine grievances of the people ?

Mr. E. B. Howell : (a) The area of the three unirrigated assessment circles of the Marwat Tahsil, viz., Pakka, Gadwad and Shigha to which the question presumably refers, measures approximately 440 square miles.

(b) 67,513.

(c) Yes, if there is rain.

(d) There are four wells maintained by the District Board, three by M. E. S. and a number of private wells.

(e) Water is undoubtedly scarce and the people of certain villages have to go long distances for water.

(f) No definite answer is possible as it is not known with what other tracts it is desired to make comparison.

(g) and (h). Yes.

(i) Guinea-worm is rife in Marwat and in other tracts also where stagnant water is drunk from ponds or tanks. No statistics as to the number of people suffering from this disease are available.

(j) and (m). The Government of India have undertaken to supply funds on receipt of a suitable scheme. Geological reports do not indicate the probability of satisfactory supplies, but the matter is being further investigated by the Irrigation Department at the moment.

(k) None.

(l) No.

**SAFEGUARDING THE INTERESTS OF MUSLIMS IN REDUCTIONS OF CLERKS
IN FRONTIER CIVIL ACCOUNTS AND AUDIT OFFICES.**

291. *Seth Haji Abdoola Haroon : (a) Has the attention of Government been drawn to a message in the *Muslim Outlook* of the 19th July, 1931 regarding reduction of about 24 Peshaweri clerks as the result of the proposed amalgamation of the Frontier Civil Accounts and Audit Offices ?

(b) Are Government aware that this news has created an alarm in the educated circles of the province, since the local Muslim employees are temporary ?

(c) Is it a fact that :

- (i) Muslims form only 43 per cent. of the present total strength of the Accounts Office at Peshawar ;
- (ii) out of it only 21 per cent. belong to that province ;
- (iii) the share of this community in the supervising staff is about 22 per cent. ; and
- (iv) the combined ratio of Muslims and non-Muslims of the Frontier in those offices is about 30 per cent.

(d) If reply to above be in the affirmative, will Government be pleased to state what specific action do they propose to take to safeguard the Muslim interests ?

The Honourable Sir George Schuster : With your permission, Sir, I will reply to questions Nos. 291, 293 and 294 together.

The Honourable Member is referred to the replies given by me to Maulvi Muhammad Shafee Daoodi's questions Nos. 249 and 250.

**REPRESENTATION OF MUSLIMS IN GOVERNMENT DEPARTMENTS IN THE
NORTH WEST FRONTIER PROVINCE.**

292. *Seth Haji Abdoola Haroon : (a) Will Government please state whether there are any orders to the effect that a minimum figure of 60 per cent. Muslim representation in the various Government Departments in the North-West Frontier Province will be maintained in view of the fact that they form above 95 per cent. of the whole population ?

(b) If so, will Government please state whether such orders have actually been brought into force in the North-West Frontier Province ?

(c) Will Government please lay on the table the figures Department-wise showing in detail the total strength of Muslims and non-Muslims, superior and inferior, prior to these orders and after they had been in force in the North West Frontier Province ?

Mr. E. B. Howell : The Honourable Member is referred to the answer given to question No. 248, asked in this Assembly.

**MUSLIM REPRESENTATION IN PAY AND ACCOUNTS AND AUDIT OFFICES
IN THE NORTH WEST FRONTIER PROVINCE.**

†293. *Seth Haji Abdoola Haroon : (a) Is it a fact that the Muslim representation in the ministerial staff of the Pay and Accounts and Audit Offices, North West Frontier Province, is 43 per cent. ?

†For answer to this question, see answer to starred question No. 291.

(b) If so, what measures are being adopted to raise this percentage to 60 per cent. ?

SAFEGUARDING THE INTERESTS OF FRONTIER MUSLIMS IN PAY AND ACCOUNTS AND AUDIT OFFICES IN THE NORTH WEST FRONTIER PROVINCE.

†294. ***Seth Haji Abdoola Haroon** : (a) Is it a fact that the scheme of re-amalgamation of Audit and Accounts will be operative in the North West Frontier Province also ?

(b) If so, have any orders been issued to prevent, reduce or repatriate the non-Muslims only with a view to maintain the minimum figure of 60 per cent. of the Muslim representation ? If not, why not ?

(c) Will Government please state what steps have been or will be taken to safeguard the rights of Frontier recruits at the time of curtailment, reduction or reversion of establishment on the occasion of amalgamation of the Pay and Accounts and Audit Offices in the North West Frontier Province ?

LACK OF VACUUM BRAKES ON THE EASTERN BENGAL RAILWAY.

295. ***Mr. A. H. Ghuznavi** : (a) Has the attention of Government been drawn to the report that appeared in the *Statesman* of the 12th April, 1931, Calcutta edition, about the train dacoity committed on the night of the 10th April, in the Bhairab Bazar-Mymensingh line of the Eastern Bengal Railway, wherein it was stated that the passengers pulled the alarm cord but as the train was not fitted with vacuum brakes it did not stop ?

(b) Is it a fact that the train was not stopped at once although the alarm cords were pulled ?

(c) Is it a fact that the train was not fitted with vacuum brake ; if so, why ?

(d) Is it a fact that most of the Eastern Bengal Railway passenger trains are not fitted with vacuum brakes ?

(e) Is it a fact that except the Assam Mail and Surma Mail, all the trains of the Assam-Bengal Railway are " mixed " trains inasmuch as they are comprised of 80 per cent. goods wagons in the front and 20 per cent. passenger carriages in the rear, rendering vacuum brake arrangement impossible ?

(f) If replies to parts (d) and (e) are in the affirmative, do Government propose to consider the necessity of providing all passenger trains with vacuum brake communication for the safety of lives and properties of passengers ?

Mr. A. A. L. Parsons : (a) Yes, but the Mymensingh-Bhairab Bazar line is a part of the Assam Bengal Railway.

(b) Yes.

(c) The train was not vacuum-braked throughout, as there were some foreign railways' goods vehicles on the train, which were not fitted with vacuum-brakes or pipes.

(d) On the broad gauge all passenger trains are vacuum-braked ; on the metre gauge 74 mixed trains out of 134 trains carrying passengers

†For answer to this question, see answer to starred question No. 291.

are not vacuum-braked ; on the narrow gauge no train is vacuum braked.

(e) All trains carrying passengers on the Assam Bengal Railway are mixed, but if there is no foreign railway's goods vehicle on a train vacuum-brake arrangement throughout is possible.

(f) Does not arise.

INCONVENIENT ARRANGEMENTS AT CALCUTTA FOR THE RESERVATION OF BERTHS ON THE EAST INDIAN RAILWAY.

296. ***Mr. A. H. Ghuznavi** : (a) Will Government be pleased to state if before the 1st of December 1924 all reservation of berths in the East Indian Railway trains used to be made at Howrah Station only, and that since that date the system of reserving berths at the Head Office also has been introduced ?

(b) Is it a fact that the time for reservation at the Head Office is between 10-30 A.M. and 4-30 P.M. and at Howrah Station from 5-30 A.M. to 9-30 A.M. and again from 5-30 P.M. to 10-30 P.M. ?

(c) Is it a fact that from 9-30 A.M. to 10-30 A.M. and again from 4-30 P.M. to 5-30 P.M. on week days there is no arrangement for reservation at any of these places ?

(d) Are Government aware that on Saturdays the Head Office closes at 1-30 P.M. and the Howrah reservation office does not get the charts back till 3-30 P.M. and that this causes great inconvenience to the travelling public ?

(e) Is it a fact that for reservation of carriages on holidays and Sundays the Howrah Office has to refer to the Head Office while the Head Office remains closed, and the result is that no reservation becomes possible ?

(f) Are Government aware that reservation can be made from the city offices, and that the city offices and Howrah Station do it over the phone with the Head Office and that such verbal communication is at times misunderstood and instances have occurred where the class of accommodation or the date of departure has been wrongly recorded ?

(g) Is it a fact that statistics shew that big mercantile firms, the Government House, the Bengal Secretariat, the Remount Depot and Fort William prefer corresponding direct for reservation with Howrah, although the Head Office is situated within close proximity of them ?

(h) If reply to part (g) is in the affirmative, are Government prepared to consider the advisability of effecting the centralization at Howrah ?

Mr. A. A. L. Parsons : I have asked the Agent of the East Indian Railway for a report and will communicate with the Honourable Member as soon as it is received, but I would point out that these are exactly the sort of questions which could preferably be raised in the Local Advisory Committee.

Mr. B. Sitaramaraju : As question No. 297 has already been answered, Sir, I would like with your permission to ask No. 298.

RAISING OF LOANS FOR INDIA IN FOREIGN COUNTRIES.

298. *Mr. B. Sitaramaraju : Will Government be pleased to state :

- (a) whether there is any constitutional objection to raise our loans from foreign Governments ;
- (b) if the answer to part (a) is in the negative, why efforts were not made to raise these loans in foreign countries ; and
- (c) whether the possibilities of raising the required loans at a cheaper rate of interest either in America or in any other foreign market has been considered ?

The Honourable Sir George Schuster : (a) No.

(b) and (c). I would invite the attention of the Honourable Member to paragraph 2 of my speech on pages 2009 and 2010 of the Legislative Assembly Debates of the 13th March, 1931. Although it is, in a sense, a matter of opinion, I can inform the Honourable Member with the greatest assurance that it would not have been possible for India at present to raise loans in any foreign market on anything like such favourable terms as have been arranged in London.

THE RECENT INDIAN STERLING LOAN.

299. *Mr. B. Sitaramaraju : Will Government be pleased to state :

- (a) the necessity to borrow at a high rate of interest the recent sterling loan ;
- (b) whether sufficient opportunities were given to capitalists in this country to subscribe to the loan ; and
- (c) why the loan was not fully subscribed ?

The Honourable Sir George Schuster : (a) The rate of interest offered on sterling loans has to be fixed according to what the Government, acting on expert advice, consider to be necessary to attract investors. The fact that the last loan was not fully applied for by the public shows that Government did not err on the side of making the loan too favourable.

(b) Yes.

(c) This is a matter of opinion. If the Honourable Member will study the London financial papers, he will be able to form his own view as to the opinions which influence the London investment market in regard to Indian loans.

ALLEGED PROHIBITION OF THE EMPLOYMENT OF GRADUATES IN THE POSTAL DEPARTMENT.

300. *Mr. B. Sitaramaraju : (a) Are there any orders of Government prohibiting the employment of graduates in the Postal Department ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether such prohibition would apply even to candidates who, being graduates, are willing to be treated as Matriculates or

S. S. L. C. holders and be paid the same scale paid to the latter class of employees ?

(c) Will Government be pleased to state the reasons for the orders, if the answer to part (a) is in the affirmative ?

Sir Hubert Sams : (a) There were certain orders temporarily suspending recruitment of graduates which have been cancelled.

(b) and (c). Do not arise.

APPLICATION OF SECTION 144, CRIMINAL PROCEDURE CODE.

301. ***Sardar Sant Singh :** Will Government be pleased to state how many times section 144, Criminal Procedure Code, has been applied from 1st April to 1st September, 1931 ?

The Honourable Sir James Orerar : I regret that the information is not in the possession of the Government of India and I am afraid I cannot undertake to collect it, as the labour involved would not be commensurate with its value.

NATION-BUILDING SERVICES OF THE NORTH-WEST FRONTIER PROVINCE.

302. ***Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to a declaration by the Chief Commissioner of the North-West Frontier Province, in or about June last year, that the Government of India had decided to bring up the administration on the nation-building services of that province to a level with the frontier districts of the Punjab ?

(b) On what authority was this announcement of the Chief Commissioner made ?

(c) If the Government of India had authorised the announcement, will Government be pleased to state whether, before such authorisation, the financial implications of this announcement had been worked out and approved by them ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes.

(b) The announcement was made by the Chief Commissioner with the concurrence of the Government of India.

(c) The financial implications could not be worked out in detail but it was made clear that the pace at which new measures could be introduced must be dependent on the financial situation.

FUNCTIONS OF NOTARIES PUBLIC IN THE MOFUSSIL.

303. ***Mr. Jagan Nath Aggarwal :** (a) Has the attention of Government been drawn to a note in the *Daily Herald* newspaper, Lahore, dated July 25th, 1931, at page 6 relating to the anomalous functions of Notaries Public in the Presidency towns and in the Mofussil ?

(b) Is it a fact that the Notaries Public in the Presidency towns perform functions other than those under the Negotiable Instruments Act like attesting Powers of Attorney, administering oaths, and generally attesting all documents presented to them ?

(c) Is it a fact that in the mofussil (outside Presidency towns) such transactions cannot be performed by Notaries Public appointed under the Negotiable Instruments Act and that if such functions are to be performed in the mofussil they must be done by a Notary Public in the Presidency towns ?

(d) Are Government aware that the rapid increase of trade and intercourse with foreign countries necessitates the attestation of different types of documents by Notaries Public only ?

(e) Are Government aware that absence of such powers from the Notaries Public in the mofussil causes great inconvenience to business men and others who may have frequent occasion to require documents to be attested by Notaries Public ?

(f) Do Government propose to take early steps to remove this anomaly and bring the law in the mofussil into line with that prevailing in the Presidency towns either by legislative enactment or by use of the rule making power ?

The Honourable Sir James Crerar : (a) Yes.

(b) to (f). A person appointed by the Local Government under section 138 of the Negotiable Instruments Act to be a Notary Public under that Act is not by virtue of such appointment a Notary Public in the general sense and the Honourable Member is mistaken in supposing that there is any distinction in this respect between persons so appointed in the Presidency towns and persons so appointed elsewhere. A person can only become a Notary Public in the general sense by obtaining a faculty from the Master of Faculties in England and it is for the person desiring to become a Notary Public and not for Government to move in the matter. The Honourable Member is, however, mistaken in supposing that there is in India no Notary Public in the general sense save in the Presidency towns.

COMPENSATION TO SARDAR GANGA SINGH AND MEMORIAL FOR HIS CHILDREN AT PESHAWAR.

304. ***Mr. S. C. Mitra :** (a) Is it a fact that the Honourable the Chief Commissioner, North-West Frontier Province, had announced that Sardar Ganga Singh whose two children were killed and wife seriously wounded by the British Lance Corporal on the last day of May, 1930 at Peshawar was to be compensated and if so, was he offered anything in cash or kind ? If so, how much ? Did Sardar Ganga Singh accept or refuse the offer and what is the reason of his doing so ?

(b) Did the Honourable the Chief Commissioner sanction the amount of Rs. 15,000 to build a childrens' ward in memory of the children of Sardar Ganga Singh ? If the answer is in the affirmative, will Government please state when it will be built ?

(c) Has the attention of Government been drawn to the suggestion in regard to the said memorial as published in the *Daily Milap*, dated 6th August, 1930, and, if so, do Government propose to consider the suggestion ? If not, why not ?

(d) Has the attention of Government been drawn to the Public demand in regard to the said memorial as published in the *Tribune*, dated 4th January, 1931 and the *Hindu Herald* of the 15th January, 1931

suggesting that something should be done in memory of the shooting of peaceful processionists and carriers of the bier of the children of Sardar Ganga Singh ? If so, what steps have Government taken in the matter ?

Mr. E. B. Howell : (a) No. I would invite the attention of the Honourable Member to the reply given to part (b) of question No. 108 asked in this Assembly by Sardar Sant Singh.

(b) The Chief Commissioner, North-West Frontier Province, did not sanction a sum of Rs. 15,000 to build a children's ward in memory of the children of Sardar Ganga Singh.

(c) Does not arise.

(d) Government are not prepared to admit that peaceful processionists and carriers of the bier of the children of Sardar Ganga Singh were shot, and consequently do not intend to consider any proposal for a memorial.

THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

305. ***Mr. B. Sitaramaraju** (on behalf of Mr. A. Das) : (a) How much have the Government of India contributed to the funds of the Imperial Council of Agricultural Research since its constitution ? How much has been allotted in grants to Provincial Governments for research schemes ?

(b) What are the salaries of (i) administrative officers and (ii) expert officers ? What is the cost of office establishment of the Imperial Council of Agricultural Research ?

(c) What is the proportion of the total sum so far spent on administrative charges to the total amount allotted to Provincial Governments for research schemes ?

(d) Is the Imperial Council of Agricultural Research dependent for funds on grants from the Government of India ?

(e) Is it a fact that the Imperial Council of Agricultural Research has adopted the following principles in making grants to Local Governments for research schemes :

(i) that ordinarily land and buildings required under schemes should be provided by the Government or Governments concerned, the Council making a grant for equipment and staff alone ; and

(ii) that ordinarily the Government or Governments interested in a scheme should bear part of the recurring expenditure, the exact proportion to depend on negotiations between the Government or Governments concerned ?

(f) Have these principles been strictly adhered to ? If not, what schemes have been assisted by grants for land and buildings ?

(g) Are Government aware that in the present financial crisis many Provincial Governments are not able to find money for land and buildings for important schemes and that assistance is urgently needed for capital expenditure ?

(h) Are the Government of India prepared to consider the advisability of asking the Imperial Council of Agricultural Research to modify this condition relating to grants for land and buildings required

for approved schemes before proposing any further allotment of funds to the Council ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Rs. 35 lakhs and Rs. 28,80,253, respectively.

(b) The salaries paid are as follows :

(i) Vice-Chairman, Rs. 4,000 per month.

Secretary, Rs. 2,125 per month.

(ii) Agricultural Expert and Animal Husbandry Expert, Rs. 2,625 per month in the scale of Rs. 2,500—125—2,750, *plus* overseas pay of £13-6-8, each.

Cost of office establishment, Rs. 67,900 per annum.

(c) About 1 to 6.5.

(d) Mostly ; but under its rules and regulations the Council can also receive contributions from other sources, such as Indian States.

(e) Yes, among others.

(f) No ; exceptions are made where special reasons so require. The undermentioned schemes have so far been assisted by grants for land or buildings or both :

(1) Establishment of a sub-station of the Sugarcane Breeding Station, Coimbatore, at Karnal (for buildings) ;

(2) Establishment of a sugarcane research station in Bihar, and the appointment of a sugarcane specialist (for land and buildings) ;

(3) Research in mosaic and other sugarcane diseases, at Pusa (for laboratory buildings) ;

(4) Sugarcane Research Station in the Bombay, Deccan (for buildings) ;

(5) Co-ordinated rice research scheme in seven provinces of India (for buildings) ;

(6) Establishment of a sub-station of the Botanical Section of the Pusa Institute at Karnal (for buildings) ; and

(7) Sugarcane seedling testing station at Dacca (for buildings).

(g) Presumably, the position is as stated by the Honourable Member.

(h) I would refer the Honourable Member to the word ' ordinarily ' which is used in the conditions referred to in part (e) of his question. That the condition, referred to, is not absolute, is proved by the instances quoted in my reply to part (f) of this question. In the circumstances Government do not think it necessary to take any action.

Mr. B. Das : With reference to the reply to part (b) of this question, has the attention of the Honourable Member been drawn to the Press report that the Vice-President of the Imperial Agricultural Research Institute has written to the Government stating that he will give up 25 per cent. of his salary as a measure of retrenchment ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I am afraid I have not seen that Press report.

Mr. B. Das : Does not the Honourable Member read the *Hindustan Times* and other newspapers in which that news was published ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I read the particular newspaper he has mentioned, the *Hindustan Times*, but not every word of it.

Mr. B. Das : Will the Honourable Member consult his friend, the Director of Public Information, and find out whether the question I ask is correct ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : If the Honourable Member will kindly give me the date of the paper, I will see it myself.

Mr. B. Das : Has the Honourable Member any knowledge of the substance of the question that I just asked ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I have, otherwise I could not have answered the question.

Mr. B. Das : Does the Honourable Member admit that the Vice-President of the Imperial Agricultural Research Institute has written to the Government stating that he is prepared to give up 25 per cent. of his salary as a measure of retrenchment and economy ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : It has not yet reached me, Sir.

Mr. B. Das : All right, I will supply the Honourable Member with a copy of the report.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Thank you.

EXPENDITURE ON AGRICULTURAL RESEARCH.

306. ***Mr. B. Sitaramaraju** (on behalf of Mr. A. Das) : What is the total amount spent on administration, including the travelling allowance of members attending the Advisory Board and the Governing Body and Committees paid by Local Governments from the constitution of the Imperial Agricultural Research Council till July 1st, 1931 ? What is the total amount of money that has been paid to and spent by Local Governments and other bodies from grants made by the Council for the same period ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The total amount spent by the Imperial Council of Agricultural Research up till 1st July, 1931, on administration, including the travelling allowance of non-official members attending meetings of the Advisory Board, Governing Body, and the whole Council, is Rs. 4,24,394. This does not include the travelling allowance of official members, which is paid by their respective Governments, figures for which are not available. As regards the latter part of the question, the total amount actually paid to Local Governments and other bodies by the Council up to the same date is Rs. 5,52,672. Information regarding the amount actually spent by Local Governments and other bodies will not be available till the close of the current official year.

CONSTITUTION OF ELECTED CANTONMENT BOARDS IN THE NORTH-WEST FRONTIER PROVINCE.

307. ***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that the All-India Cantonments Association represented to Government the

desirability of constituting elected Cantonment Boards in those of the cantonment of the North-West Frontier Province as have a civilian population of 2,500 or more ?

(b) Is it a fact that Government gave an assuring reply to the above representation and informed the Association that the matter was receiving Government's careful consideration ?

(c) Will Government be pleased to state what steps have been taken to give effect to this reform, if any scheme has been formulated for the same and, if so, at what stage it is ?

(d) Are Government aware that the elective element has been introduced in Municipal Boards and other like bodies of the North-West Frontier Province ? If so, how do Government account for delay in introducing the same element in Cantonment Boards ?

(e) If this measure of reform be still under consideration, will Government state when it is expected to adopt it and put it in practice ?

Mr. G. M. Young : (a) Yes.

(b) Government replied that the matter was then under consideration.

(c) Government have carefully considered the matter in consultation with the Local Administration and the local military authorities. They have decided to take no steps for the present.

(d) An elective element already exists in the Peshawar Municipality. It has been recently decided to introduce it also in other municipal and district boards in the North-West Frontier Province. The case of cantonments in this province is, however, different from that of other local bodies, as the cantonments are almost exclusively occupied by troops, officials and the population dependent on them.

(e) Government do not propose to re-open the question at present.

EXAMINATION FOR POSTAL ACCOUNTANTS.

308. ***Rai Sahib Harbilas Sarda :** Will Government kindly state if the Director General of Posts and Telegraphs will hold any examination of postal accountants this year also ? If so, when ?

Sir Hubert Sams : The last examination was held in January, 1931. It has not yet been decided when to hold the next one.

CONDITION OF MADRASI RESIDENTS, TRADERS AND LABOURERS IN BURMA.

309. ***Mr. C. S. Ranga Iyer :** (a) Has the attention of the Government of India been drawn to the discussion in the Madras Legislative Council on the 5th of August, 1931, on the "condition of the Madras residents, traders and labourers in Burma" ?

(b) Are Government aware that the Resolution on the conditions of Madras in Burma was unanimously adopted by the Madras Provincial Legislature ?

The Honourable Sir James Crerar : With your permission, Sir, I will answer the questions Nos. 309 to 312 together. I have seen a Press report of the debate in the Madras Legislative Council. No correspondence

has passed between the Government of India and the Government of Madras in the matter, but we have received reports from time to time from the Government of Burma bearing upon the position of Indians generally in Burma and are in close consultation with them in the matter.

CORRESPONDENCE ON THE SUBJECT OF MADRASIS IN BURMA.

†310. ***Mr. C. S. Ranga Iyer :** (a) Has any correspondence passed between the Madras Government and the Government of India on the subject of Madrasis in Burma ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to place the said correspondence on the table ? If not, why not ?

CONDITION OF MADRASI RESIDENTS, TRADERS AND LABOURERS IN BURMA.

†311. ***Mr. C. S. Ranga Iyer :** (a) Have the Government of India moved in the direction recommended by the Madras Provincial Legislature of obtaining a report on the condition of the Madras residents, traders and labourers in Burma ? If not, why not ?

(b) If the answer to part (a) be in the affirmative, has the said report been obtained and will it be published ? If so, when ? If not, why not ?

CONDITION OF MADRASI RESIDENTS, TRADERS AND LABOURERS IN BURMA.

†312. ***Mr. C. S. Ranga Iyer :** Have the Government of India represented to the Burmese Government in accordance with the Madras Provincial Legislature's recommendation the urgent need for the taking of "all necessary steps to safeguard effectively their persons and property" of the Madrasis in Burma ? If so, what steps have been so far taken ?

ASSISTANCE FOR MADRASI CULTIVATORS IN BURMA.

313. ***Mr. C. S. Ranga Iyer :** (a) Have Government taken action on the recommendation of the Madras Provincial Council in regard to the helping of the Madras cultivators in Burma by liberal advances and the traders by affording adequate credit facilities through the Imperial Bank and otherwise ?

(b) If so, will Government be pleased to state to what extent such help has been rendered and what further steps Government propose to take ?

(c) If the answer to part (a) be in the negative, will Government be pleased to state the reason why ?

The Honourable Sir George Schuster : No recommendation of the Madras Legislative Council on the lines referred to by the Honourable Member has yet been forwarded by the Government of Madras to the Government of India. The question would apparently be one for the Provincial Governments concerned.

(b) and (c). Do not arise.

†For answer to this question, see answer to starred question No. 309.

DEPARTURE OF INDIANS FROM BURMA.

314. ***Mr. O. S. Ranga Iyer** : (a) Has the attention of Government been drawn to the statement of Dr. P. Subbaroyan in the Madras Legislative Council that "nearly 150,000 Indians had left Burma, because Burmans had made it impossible for them to live there" ?

(b) Will Government be pleased to state if the above facts and figures are correct ? If not, will Government be pleased to state the number of Indians who had left Burma since the rebellion and the cause of their leaving ?

(c) Do Government propose to give the Indians who have left Burma any compensation for losses sustained owing to inadequate police protection or safeguarding of property and person ?

The Honourable Sir James Crerar : (a) I have seen a Press report of the statement referred to.

(b) I assume the Honourable Member desires information to show how far emigration was affected by the recent disturbances in Burma. For this purpose we may take the year 1929 as a normal year and compare the figures of that year with the figures of the current year. For the period, 1st January to 31st July, the number of emigrants was approximately 184,000 in 1929 and 187,000 in 1931. Of these latter emigrations 133,000 occurred between the 7th March and the 20th June, against 126,000 during the same period in 1929. The main recurring cause of Indian emigration from Burma, as the Honourable Member is aware, is the seasonal return of labourers ; and this is largest between March and June, when the average is about 30,000 a month. The rebellion in Burma was no doubt responsible to some extent for the increase in emigration this year.

(c) The question of the payment of compensation by Government does not arise.

Mr. K. P. Thampan : Will the Government be pleased to enlighten us as to the number of Madrasis who have left Burma on account of the rebellion ?

The Honourable Sir James Crerar : I must ask for notice of that question.

SENTENCE OF WHIPPING GIVEN TO A BOY IN KENYA.

315. ***Mr. Gaya Prasad Singh** : (a) Are Government aware that a boy named Amrit Lal, who is a student in a school, aged 13 years, son of one Hirji Monji, Nairobi, Kenya, was caught by the police on the 15th March last for riding an unlicensed motor cycle ; but he was subsequently released on his father signing a bond, but he was again arrested the next day, taken before the Town Magistrate, and sentenced to 12 stripes, which were administered to him, although his father informed the Magistrate that he was willing to pay any fine which the Court might impose on the boy (*vide Tanganyika Opinion*, dated the 3rd April, 1931, page 13) ?

(b) Is it a fact that no doctor was present at the time when the boy was caned ; but Dr. M. Mackinnon, who subsequently examined him, certified to "a considerable amount of energy having been applied in administering the 12 strokes", and that the boy was "in considerable degree of

pain, and is unable to sit down, or lie on his back", as the order " must have been vigorously administered " ?

(c) Are Government aware that this sentence of whipping for a trivial first offence has given rise to a great degree of indignation among the Indian settlers in East Africa ; and what steps, if any, do Government propose to take to avert the repetition of such incidents in future ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b) and (c). Government have not seen the particular article referred to by the Honourable Member but similar accounts appeared in some of the papers in Kenya. As soon as the incident came to the notice of Government in May last, they made telegraphic inquiry from the Kenya Government. The information supplied by the said Government showed :

- (i) that the father of the boy was twice asked by the Magistrate whether he was prepared to pay any fine which might be inflicted, but declined to do so ;
- (ii) that the Sub-Assistant Surgeon of the prison was present when the caning was administered ; and
- (iii) that a light cane was used and the punishment was not carried out with undue severity.

Mr. B. Das : Is it not high time that the Government of India should appoint an Agent in East Africa and Tanganyika to look after the interests of Indians ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : If there is any general body of opinion in the House that in these days of retrenchment I should try for it, I shall have a try.

Mr. B. Das : I am quite game for it and I think this side of the House will always pass such a motion if the Honourable Member brings it forward.

IMPORT DUTIES IN TANGANYIKA ON INDIAN IMPORTS.

316. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the increased import duty in Tanganyika, on some of the exports from India, such as ghee and sugar and to the fact that the Indian members of the Legislative Council of Tanganyika opposed this increased duty ? Have Government made any representation, or taken any steps in this connection ?

The Honourable Sir George Rainy : Government have seen the Proclamation imposing increased duties on certain articles including ghee and sugar. They have no information regarding the attitude adopted by the Indian members of the Legislative Council of Tanganyika towards the imposition of these duties, which are applicable to imports from all countries.

Government have made no representation. I may, however, mention the fact that India's export trade in ghee and sugar with Tanganyika is insignificant, the total quantity exported to that territory during 1929-30, the latest year for which figures are available, being less than one ton in each case.

RACIAL DISCRIMINATION ON ITALIAN STEAMERS.

317. ***Mr. Gaya Prasad Singh :** Has the attention of Government been drawn to a letter signed H. M. Nurbhai (Dar-es-Salaam) published in the *Tanganyika Opinion*, dated the 6th November, 1930, in which it is stated, on the strength of the writer's personal experience, that racial discrimination exists on the Italian steamers calling at Dar-es-Salaam, in regard to the use of gangways for Europeans and others and in the examination of passports? And do Government propose to take necessary steps to see that such galling discrimination is eliminated at least in the case of His Majesty's Indian subjects abroad?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Government have just seen the communication referred to by the Honourable Member. The question of the action to be taken is under consideration.

RESOLUTIONS OF THE TANGANYIKA INDIAN CONFERENCE.

318. ***Mr. Gaya Prasad Singh :** Will Government be pleased to state if they have taken necessary steps to place before the Joint Select Committee of Parliament, the Resolutions passed by the Tanganyika Indian Conference, which was held at Dar-es-Salaam on the 28th and 29th December, 1930; and if so, what are the Resolutions that were placed?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Indian Association, Dar-es-Salaam, sent a Memorandum to the Joint Select Committee of Parliament on East Africa and referred therein to the resolutions passed by the conference held on the 28th and 29th December, 1930. The Government of India also, in pursuance of the promise given in the reply to question No. 276 asked by the Honourable Member on the 2nd February, 1931, furnished their representative with copies of such of the resolutions as pertained to matters that came within the purview of the Committee.

REPORT ON CO-OPERATIVE SOCIETIES IN TANGANYIKA BY MR. STRICKLAND.

319. ***Mr. Gaya Prasad Singh :** Is it a fact that one Mr. Strickland, in charge of the Co-operative Societies, Punjab, has been deputed by Government, at the instance of the Tanganyika Government, to explore the possibilities of Co-operative Societies in Tanganyika? And if so, will Government make available to this House his report on the subject to see how it affects the interests of the Indians in that territory?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Mr. C. F. Strickland, I.C.S., retired from service in the Punjab in February, 1930. Government have no information regarding his deputation to Tanganyika.

GOVERNMENT HELP FOR THE BHARAT STEAM NAVIGATION COMPANY.

320. ***Mr. Gaya Prasad Singh :** Are Government aware that the Bharat Steam Navigation, Ltd., has been registered in Bombay, with the object, among others, to further the Indian shipping trade between India and abroad? And do Government propose to help in any way this shipping enterprise to Africa and elsewhere?

The Honourable Sir George Rainy : Government are aware that the Bharat Steam Navigation, Limited, was registered at Bombay as a public limited company in October, 1930. Government are not aware of any reasons why special help should be accorded to this company.

REFUSAL OF THE TANGANYIKA INDIAN DELEGATION TO ATTEND THE JOINT PARLIAMENTARY COMMITTEE.

321. ***Mr. Gaya Prasad Singh :** Is it a fact that the Tanganyika Indian delegation to the Joint Parliamentary Committee refused to proceed to London as a result of a certain misunderstanding ? If so, will Government kindly explain the circumstances, and the steps taken in the matter ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Indian community in Tanganyika decided not to send any representative to London to give evidence before the Joint Select Committee of Parliament on East Africa as their request that a special representative of Indian commercial interests should be allowed to appear before the Committee was not granted. The Indian community seems to have corresponded direct with the Secretary of State for the Colonies in this matter.

ALLEGED PERSECUTION OF MUSLIMS IN TANGANYIKA.

322. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to a report published in the *Tanganyika Opinion*, dated the 3rd July, 1931 (page 5), under the heading "Alleged Persecution of the Muslim Wachaga", over the signature of the President, Jamiyyat-ul-Islam, Moshi, in which it is stated that a number of Christians are harrasing and persecuting the local Mussalmans there, and that once a mosque was also broken by them ; and that as a result of a secret plot concocted by the Christians, the Governor of Tanganyika has deported a few Mussalmans ?

(b) Do Government propose to inquire into the matter, and make a statement on the floor of this House, indicating the steps which they have taken, or propose to take to protect the Mussalmans and their religious rights in that locality ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). The communication referred to by the Honourable Member relates to the alleged troubles of Mussalman natives in a place called Machame. There is nothing to indicate that there are any Indian residents in this place or that they are in any way concerned. Government do not, therefore, propose to take any action.

MEDICAL FACILITIES FOR EUROPEANS, INDIANS AND AFRICANS IN TANGANYIKA.

323. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that in the Sewa Hadji Hospital in Tanganyika, out of about 4,026 indoor patients every year, the Government of Tanganyika has provided only 12 beds for Indians and African natives, and spends only about £5,000 annually ; whereas for about 510 European indoor patients annually in

the European Hospital, the Government has provided 18 beds, and spends about £8,090 yearly ; and that the Sewa Hadji Hospital is not properly housed and maintained (*vide the Tanganyika Opinion*, dated the 17th July, 1931, page 4) ?

(b) Is it a fact that about 50 per cent. of the revenues of the Tanganyika territory are obtained by taxing the African natives, 40 per cent. by the Indians, and only 10 per cent. by Europeans ?

(c) Do Government propose to take necessary action to see that better medical facilities are afforded to the Indian nationals in Tanganyika ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b) and (c). Government have no information beyond what is contained in the article to which the Honourable Member has referred. They have received no representation on the subject and the local Indian community apparently realise that this is a matter in which they should present their grievances, if any, direct to the Government of the Tanganyika territory.

ARMS LICENSES FOR EUROPEANS AND INDIANS IN TANGANYIKA.

324. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to the proceedings of the Tanganyika Legislative Council (published in the *Tanganyika Opinion*, dated the 16th January, 1931, page 4) from which it is seen that out of 1,926 European applicants for arms licenses in Tanganyika within the last 3 years, all of them were granted licenses ; while in the case of Indians, out of 280 applicants during the same period, only 225 were given licenses ?

(b) Are Government aware that in the Tanganyika Territory, there are about 20,000 Indians, and only 2,000 Europeans ? And do Government propose to take steps to see that the grievance of the Indian community in Tanganyika in the matter of possessing arms, is removed ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes.

(b) According to the Blue Book of the Tanganyika Territory for the year 1929, the figures are :

Europeans	..	..	..	..	6,631
Asiatics (including Arabs and Indians)	..				24,414

Separate figures for Indians are not available. In a Memorandum prepared by the East African Indian Deputation which visited India in 1929, the Indian population was said to be about 19,000.

As regards the second part of this question, no grievance has been brought to the notice of the Government of India.

APPOINTMENT OF A TRADE COMMISSIONER IN EAST AFRICA.

325. ***Mr. Gaya Prasad Singh :** Have Government appointed any Trade Commissioner in East Africa ? If not, do they propose to appoint any ?

The Honourable Sir George Rainy : No, Sir. The sanctioned scheme provides for an appointment of Indian Trade Commissioner in East Africa, but as progress with the scheme has been delayed by the existing

financial stringency, Government are not in a position to say when it will be possible for them to make the appointment.

SEDITION ORDINANCE IN FIJI.

326. ***Mr. Gaya Prasad Singh** : Is it a fact that a Sedition Ordinance has been promulgated by the Governor of Fiji, directed against the local Indian Press, and the Indian public ? If so, when ; and for how long ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : An Ordinance to provide for the punishment of seditious acts and seditious libel and to central seditious publications and newspapers containing seditious matter in Fiji was passed in June last. There is nothing to indicate that this enactment is of a temporary nature. Government have no reason to think that it is directed against any particular section of the press or of the people in Fiji.

ELECTORATES IN FIJI.

327. ***Mr. Gaya Prasad Singh** : Are Government aware that the mind of the Indian community in Fiji is greatly exercised over the question of electorates ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Honourable Member's attention is invited to the reply given to his question No. 270 in this House on the 2nd February, 1931. The Indian community is still unrepresented on the Legislative Council.

EUROPEAN AND INDIAN LADIES WAITING ROOMS AT AJMER RAILWAY STATION.

328. ***Mr. Gaya Prasad Singh** : Are Government aware that at Ajmer Railway Station (Bombay, Baroda and Central India Railway) there are separate " 1st Class Ladies Waiting Room ", and " 2nd Class Ladies Waiting Room " ; but there is only one " Indian Ladies Waiting Room, 1st and 2nd Class ", with differentiation in the number and quality of furniture also ? Why is this racial discrimination allowed to continue ?

Mr. A. A. L. Parsons : I have asked the Agent of the Bombay, Baroda and Central India Railway for a report, and will communicate with the Honourable Member as soon as it is received.

COST OF RETRENCHMENT SUB-COMMITTEES AND THE RETRENCHMENT EFFECTED BY THEM.

329. ***Mr. Gaya Prasad Singh** : (a) Will Government kindly state separately the expenditure incurred up to date on the different Retrenchment Sub-Committees, the expenditure incurred in the travelling and halting allowances, etc., paid to witnesses ; and the places where each Sub-Committee held its sittings, or were visited by it ?

(b) What is the amount of money which each Sub-Committee has been able to retrench up to date ; and in what time are they expected to finish their labours ?

The Honourable Sir George Schuster : (a) A statement is laid on the table.

(b) The Sub-Committees are to report to the main Advisory Committee, and until this has been done and their reports have been considered, I am unable to make any statement regarding their recommendations. I expect that *interim* reports on the work accomplished up to date will be ready for the main Committee very shortly. The Sub-Committee on Public Works, Accounts and Audit has already completed its report. The other Sub-Committees are submitting *interim* reports and the dates on which they will finally complete their enquiries are not yet known.

Name of Sub-Committee.	Pay and allowances up to 31st August, 1931.	Travelling and daily allowances of members and staff up to 31st August, 1931.	Travel-ling and daily allowances of wit-nesses up to 31st August, 1931.	Places visited or at which meetings were held.
	Rs.	Rs. A. P.	Rs.	
Army Sub-Committee ..	8,850	9,197 11 0	823	Simla, Calcutta, Ishapore, Cossipore, Cawnpore, Shahjahanpur, Dagshai, Kasauli.
General Purposes Sub-Committee.	7,800	8,742 1 0	40	Simla.
Railway Sub-Committee ..	..	2,318 8 0	..	Calcutta and Simla.
Posts and Telegraphs Sub-Committee.	..	4,502 7 0	901	Bombay and Simla.
Public Works, Accounts and Audit Sub-Com- mittee.	..	1,465 8 0	..	Calcutta and Simla.
Stores, Printing and Sta- tionery Sub-Committee.	..	2,411 0 0	..	Calcutta and Simla.

Sardar Sant Singh : Was this expenditure provided for in the last Budget ?

The Honourable Sir George Schuster : No, Sir.

Sardar Sant Singh : Will it come up to this House for sanction ?

The Honourable Sir George Schuster : It will.

Mr. Gaya Prasad Singh : This session ?

(No answer was given.)

ARREST AND DEPORTATION OF MISS GEISSLER.

330. ***Mr. Gaya Prasad Singh :** Will Government kindly state the circumstances leading to the arrest and deportation of Miss Geissler from India, her antecedents, and the offence for which she was deported ? Why a regular case was not instituted against her if she was suspected of any criminal offence ?

The Honourable Sir James Crerar : The information in the possession of Government showed that Miss Geissler, who is a foreigner, was in close association with persons of communist views and that her presence in India was in consequence undesirable. The Government of Bombay accordingly decided to deport her under section 3 of the Foreigners' Act (III of 1864). It is not necessary that a criminal offence should be committed before action is taken under that section.

Mr. Gaya Prasad Singh : What is the charge under which she was deported ? What is the accusation against this particular individual ?

The Honourable Sir James Crerar : As I have already said, the information in possession of Government was that she was in close association with persons of communist views.

TRANSFER OF THE SUPERINTENDENT OF POST OFFICES, MALABAR DIVISION.

331. ***Mr. K. P. Thampan :** Will Government be pleased to state whether it is a fact that the Superintendent of Post Offices, Malabar Division, was ordered to be transferred ; and if so, why the order has not been given effect to by the Postmaster General, Madras ?

Sir Hubert Sams : Government have no information. The matter is within the competence of the Postmaster-General.

Mr. K. P. Thampan : On a point of order, Sir. May I ask if it would not be better if such questions are answered after the necessary information has been obtained ?

Mr. Deputy President : How is that a point of order ?

Mr. K. P. Thampan : My point is that there is no useful purpose served by giving such an answer.

Mr. Deputy President : That is the answer that the Government are prepared to give for the present.

Mr. B. Das : Does that mean that the telegraphic system has gone wrong and they could not get the reply ? May I repeat the question ?

Sir Hubert Sams : I thought the Honourable Member was addressing his remarks to the Chair.

TRANSFER TO REMOTE STATIONS OF OFFICE BEARERS OF THE CALICUT BRANCH POSTAL UNION.

332. ***Mr. K. P. Thampan :** Is it a fact that the Superintendent of Post Offices, Malabar Division, has been transferring the office bearers of the Calicut Branch Postal Union to remote stations ? If so, why ? Was the fact brought to the notice of the Postmaster General, Madras, and was any action taken by him in the matter ?

Sir Hubert Sams : Government have no information. If any official has a grievance, it is open to him to represent it through the proper official channel.

(Mr. Deputy President called on Mr. S. G. Jog to put the short notice question standing in his name, but, as he was absent another Honourable Member wished to put the question on his behalf.)

Mr. Deputy President : Mr. Jog has given notice of a short notice question, and having given that notice, it is the duty of the Honourable Member to be in his seat and I cannot allow any other Honourable Member to put that question.

UNSTARRED QUESTIONS AND ANSWERS.

MUSLIM RAJPUTS IN THE BRITISH INDIAN ARMY.

29. **Kunwar Hajee Ismail Ali Khan :** (a) Will Government kindly inform the Assembly what was the total number of Muslim Rajputs in the British Indian Army and in its different branches before the Great War, i.e., 1914, and what is the present number ?

(b) In what proportion were the reductions made from different communities in the Army after the Great War ?

Mr. G. M. Young :

	1st January, 1914.	1st January, 1931.
(a) Cavalry	2,249	1,264
Artillery	37	6
Sappers and Miners and Signals ..	12	15
Machine Gun platoons of		
British Infantry		191
Pioneers	298	496
Infantry	2,262	1,195
Indian Army Service Corps ..	130	96
Remount Department		8
Total	4,988	3,271

These figures do not include Punjabi Muslims of Rajput origin, for whom figures are not available.

(b) The figures below give the pre-war and present strengths of some of the principal classes recruited to the Indian Army.

	1st January, 1914.	1st January, 1931.	Difference.
Pathans	13,456	7,440	—6,016
Punjabi Musalmans	38,055	40,618	+2,563
Muselman Rajputs	4,988	3,271	—1,717
Deccani Musalmans	3,862	906	—2,956
Madrassi Musalmans	3,127	366	—2,761
Sikhs	32,045	22,506	—10,139
Dogras	8,888	11,348	+2,460
Garhwalis	1,723	4,156	+2,433
Hindu Rajputs (Punjab and U. P.) ..	14,577	6,786	—7,791
Hindu Jats (Punjab and U. P.) ..	9,728	9,677	—51
Mahrattas	6,321	4,589	—1,732
Madrassi Hindus	6,431	3,373	—3,058

NON-RECRUITMENT TO THE ARMY OF MUSLIM RAJPUTS FROM THE UNITED PROVINCES.

30. Kunwar Hajee Ismail Ali Khan : (a) Are Government aware that the Muslim Rajputs of the United Provinces are not admitted in the Army as they were admitted before ?

(b) If the reply to part (a) is in the affirmative, will Government kindly state the reasons ?

Mr. G. M. Young : (a) and (b). Muslim Rajputs of the United Provinces are not recruited to the same extent as before the war owing to the reduction in the strength of the Indian Army and an alteration in the class composition of units.

RECRUITMENT OF MUSLIM RAJPUTS TO THE AIR SERVICE AND THE ROYAL INDIAN MARINE.

31. Kunwar Hajee Ismail Ali Khan : (a) Will Government kindly state if any provision has been made as to recruiting Muslim Rajputs in any of the branches of the Air Service and the Royal Indian Marine ?

(b) What is the present number of honorary and paid Recruiting Officers and how many of them are Muslim Rajputs ?

Mr. G. M. Young : (a) No specific provision has been made for the recruitment of Muslim Rajputs, as recruitment in the Royal Indian Marine and the Air Service is open to all classes.

(b) Recruiting Officers 9

Assistant Recruiting Officers .. 13 (including 2 Muslims).

Honorary Assistant Recruiting Officers 26 (including 14 Muslims).

It is not known how many of these Muslim officers are Rajputs.

APPOINTMENT OF B. BHAWANI CHARAN AS ACCOUNTANT IN THE GOVERNMENT OF INDIA PRESS AT ALIGARH.

32. Khan Bahadur Haji Wajihuddin : (a) Will Government be pleased to state what are the qualifications of B. Bhawani Charan, accountant in the Government of India Press, Aligarh ?

(b) Has he passed the accountancy examination ?

(c) Was the post of an accountant in Aligarh Press advertised on the retirement of the permanent accountant ? If not, do Government propose to advertise in future to give a chance to well qualified persons to apply for the post ?

(d) Is it a fact that the father of B. Bhawani Charan, accountant in Aligarh Press, was dismissed from the Aligarh Press (then Postal Press) ? If so, on what charges ?

(e) Is it a fact that B. Bhawani Charan owns a press known as the "Rose Press" in Aligarh ?

(f) To what extent is it true that some of the employees of Government Press are made to work on holidays in Rose Press without pay ?

(g) Will Government be pleased to state the number of clerks of different communities, respectively, in (a) the Government of India Press, Aligarh, and (b) the Workshop, Aligarh ?

(h) Is it a fact that the minimum qualification prescribed by the Manager, Government of India Press, Aligarh, for the appointments of clerks in the Aligarh Press is matriculate passed ?

(i) If the answer to the above is in the affirmative, will Government be pleased to state whether B. Bhawani Charan, accountant, has been offered post of accountant while the claims of seniors to him have been ignored ? If so, why ?

Mr. J. A. Shillidy : (a), (b), (c), (h) and (i). The Controller of Printing and Stationery, India, is responsible to Government generally for the efficient working of the Government of India Presses, and Government do not propose to call for information regarding these administrative details which are matters for his discretion.

(d) No information is available as the old records of the Press have been destroyed.

(e) No.

(f) Government have received no complaints and have no information regarding the employment of unpaid compulsory labour in the Rose Press, Aligarh.

(g) (a) 49, of whom 42 are Hindus and 7 Muslims.

(b) 15, of whom 13 are Hindus and 2 Muslims.

RETRENCHMENT IN THE GOVERNMENT OF INDIA PRESS, ALIGARH.

33. Khan Bahadur Haji Wajihuddin : (a) Is it a fact that other Government Presses have curtailed their expenses from heads other than establishment to make up deficiency and have not retrenched posts ?

(b) Is it a fact that a representation suggesting some alternative proposals to avoid retrenchment of posts in the Aligarh Press have been submitted to the Controller and the Hon'ble Member in charge of Industries and Labour on behalf of the Aligarh Muslim Defence Associations ? If the answer to the above is in the affirmative, will Government be pleased to state what action have they taken ?

Mr. J. A. Shillidy : (a) If the Honourable Member refers to the reduction in expenditure proposed to be effected in the Government of India Presses other than the Aligarh Press, the answer is in the negative.

(b) The reply to the first part is in the affirmative. The whole question of retrenchment in the Stationery and Printing Department is still under the consideration of Government.

TENDERS FOR REPAIR WORK AT THE GOVERNMENT OF INDIA PRESS, ALIGARH.

34. Khan Bahadur Haji Wajihuddin : (a) Is it a fact that tenders for repair work and articles locally purchased are not invited by the Manager, Government of India Press, Aligarh ?

(b) What amount of money was paid to contractor for repair work for the press in the last financial year ?

(c) Is it a fact that representations offering reduced rates for repairs and for articles locally purchased have been submitted to Government and, if so, what action have Government taken in the matter ?

(d) Have Government issued instructions to Manager to invite tenders for all works ?

Mr. J. A. Shillidy : (a) Heretofore tenders were not called for.

(b) Rs. 3,611.

(c) A representation on the subject was received by the Controller of Printing and Stationery, India, who has directed the Manager, Government of India Press, Aligarh, to call for tenders in future.

(d) Does not arise.

QUALIFICATIONS OF EMPLOYEES IN THE GOVERNMENT OF INDIA PRESS, ALIGARH.

35. Khan Bahadur Haji Wajihuddin : (a) Is it a fact that Mohammad Ismail, a clerk in the Government of India Press, Aligarh, whose services have been transferred from the Canal Department [where he had served for twenty (20) years] is not a matriculate ?

(b) Is it a fact that he has been given by the Controller or Manager one year's time to pass the matriculation examination, or if he fails or does not care to pass examination, he will be reverted to the Canal Department ?

(c) If the answer to the above is in the affirmative, will Government be pleased to state the names of other clerks not holding that qualification and who are doing work in the Government of India Press, Aligarh. Are Government prepared to consider the advisability to have the rule withdrawn ? Why is not the same rule applied to all others in the department ?

Mr. J. A. Shillidy : I propose to deal with questions Nos. 35 and 36 together. The Controller of Printing and Stationery is responsible for the Government generally for the efficient administration of the Government of India Presses and Government do not propose to call for the information regarding these administrative details, which are matters for his consideration.

APPOINTMENT OF FOREMAN PRINTER, GOVERNMENT OF INDIA PRESS, ALIGARH.

†36. Khan Bahadur Haji Wajihuddin : (a) When did the post of Foreman Printer fall vacant in the Government of India Press, Aligarh ?

(b) Was this post advertised ?

(c) If the answer to the above is in the affirmative, will Government be pleased to lay on the table a statement showing :—

- (i) the names of applicants, (ii) their technical qualifications,
- (iii) names of institutions which they are serving or have served.

†For answer to this question, see answer to unstarred question No. 35.

served, and (iv) length of service in case they have served or are serving any Government institutions ?

(d) Is it a fact that no permanent appointment has so far been made ? If so, why ?

FIREARM LICENSES CONFISCATED IN THE UNITED PROVINCES.

37. **Kunwar Hajee Ismail Ali Khan :** With reference to my starred question No. 973, answered on the 16th March, 1931, regarding firearm licences confiscated in the United Provinces, will Government kindly lay on the table the following information ?

1 Names of the Districts, United Province.	2 The number of licences confiscated.		3 The total number of licences.		4 The number of such Licences which issued again accord- ing to Irwin- Gandhi agreement.	
	Muslims.	Non- Muslims.	Muslims.	Non- Muslims.	Muslims.	Non- Muslims.

The Honourable Sir James Crerar : The information asked for is not in the possession of the Government of India and I consider that its collection would involve labour incommensurate with its value.

INCONVENIENTLY EARLY DEPARTURE OF THE POONA MAIL FROM BOMBAY.

38. **Mr. N. R. Gunjal :** (a) Are Government aware of the fact that much inconvenience is felt by the public of the Southern Maharashtra and Karnatak by the timing of the Poona Mail leaving Bombay at 4 P.M. ?

(b) Is it a fact that the Mail from the Southern Maratha country and Karnatak reaches Bombay just before noon and post is distributed to the public at about 2 P.M. ?

(c) If so, are Government aware that much inconvenience is felt by the public in replying on the same day the urgent correspondence received at that hour, owing to the early departure of Poona Mail ?

(d) Are Government prepared to direct the authorities concerned to start the Poona Mail at least not before 6 P.M. ?

Mr. A. A. L. Parsons : (a) and (b). Government have received no representations to this effect.

(b) I understand that the mails in question reach Bombay at 11-35 hours and are included in the 13 hours delivery from the Bombay General Post Office.

(d) No. The preparation of time-tables is a matter for Railway Administrations and not for Government.

EMPLOYMENT OF MUSLIMS IN THE SURVEY OF INDIA.

39. Kunwar Hajee Ismail Ali Khan : (a) Will Government be pleased to state the total number of Muslims and non-Muslims in the following services of the Survey of India, (i) Class I, (ii) Class II, (iii) clerical establishment ?

(b) What is the total number of executive, semi-executive and other minor independent charges in the Department and how many of these are being held by Muslims ?

(c) How many additional charges or posts carrying greater emoluments and responsibility have been, created from time to time during the last 15 years, both in the Department and how many of these have been offered to Muslims ?

(d) What is the proportion of Muslims and non-Muslims now working as permanent Head Clerks and Accountants in the various field parties and Drawing and Headquarter Offices ?

(e) What is the proportion of Muslim and non-Muslim clerks drawing a salary of Rs. 100 per mensem and over ?

(f) what is the total number of Muslim and non-Muslim officers in Class II drawing a salary exceeding Rs. 350 per mensem ?

(g) How many Muslim and non-Muslim employees of the Department have been (i) discharged or served with a notice of discharge, and (ii) made to retire on pension owing to retrenchment, and what is the average number of years they (of each community) have served in the Department ?

(h) Is the present representation of Muslim community in Class I. and higher grades of Class II and clerical services in accordance with the declared policy of Government ? If not, how do Government propose to redress the communal inequalities in accordance with their declared policy, to ensure that the Muslims are not deprived of their due weightage in the administration, and that their interests are safeguarded ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :

(a) (i) Muslims	..	.. Nil.
Non-Muslims	..	.. 49
(ii) Muslims	..	.. 12
Non-Muslims	..	.. 70
(iii) Muslims	..	.. 32 approximately.
Non-Muslims	..	.. 225 approximately.
(b) Executive charges	..	.. 33
Non-executive charges	..	.. 5

None of these charges is held by Muslim at present.

Government have made enquiries as to the number of minor independent charges in the Survey of India Department and the number of such charges held by Muslim officers and will furnish this information to the Honourable Member in due course.

(c) The information asked for is not readily available. Government have made enquiries and when the requisite information is received, it will be furnished to the Honourable Member.

(d) Muslims	..	..	..	..	3
Non-Muslims	..	..	..	..	15
(e) Muslims	..	..	..	..	6
Non-Muslims	..	..	..	..	41
(f) Muslims	..	..	..	..	4
Non-Muslims	..	..	..	..	52

(g) Figures are being collected and will be supplied later.

(h) The comparative shortage of Muslims in the lower ranks of the Department is due to the fact that few Muslims have hitherto applied for admission to it. Class I is at present outside the scope of Indianisation as direct recruitment to it is made from among British officers of Army. The number of candidates of different communities to be admitted to class II is regulated by special rules which have been framed with due regard to the needs of the Department. As regards the clerical establishment, recruitment to it is being made in accordance with the declared policy of Government to secure the due representation of minority communities. Government hope that the number of Muslims in the Department will in due course show an increase.

†40.

ADMISSION TO THE PUBLIC SERVICE COMMISSION EXAMINATION OF UNQUALIFIED CLERKS.

41. **Mr. S. C. Mitra :** (a) Are Government aware that a few non-Matric and temporary clerks of the Army Headquarters and Headquarters, Royal Air Force, were allowed to sit at the last Public Service Commission examination? If so, will Government be pleased to state the names, the period of service and the reasons for allowing them to appear at the examination in each case?

(b) Is it a fact that a few clerks, who put in nearly two years' service and were willing to sit at the last Public Service Commission examination, were refused permission by Mr. E. A. Daniel, the late Establishment Officer of the Army Department? If so, will Government be pleased to state the names, the period of service and the reasons for such refusal of permission to sit at the examination in each case?

Mr. G. M. Young : (a) Two non-Matric temporary clerks* only were declared by the Public Service Commission eligible to appear at the special qualifying examination held on the 30th March, 1931, in virtue of their services during the Great War. They had, on the 31st December,

*This question was withdrawn by the questioner.

1930, one year and 10 days and one year and 9 days service, respectively, in the Government of India Secretariat or its attached offices. Government do not propose to give prominence to their names.

(b) Five applicants, whose service in the Government of India Secretariat or its attached offices between the 1st April, 1928, and the 31st December, 1930, are given below, were refused permission to sit at the examination.

- A. Two years.
- B. Two years.
- C. Two years and seven months.
- D. One year and eleven months.
- E. Two years and three months.

The first three were educationally unqualified, and the remaining two were not in service at Army Headquarters on the 18th February, 1931.

TRAINING OF INDIANS IN THE MANUFACTURE OF ELECTRIC BULBS.

42. **Mr. S. C. Mitra :** (a) Will Government be pleased to state whether bulbs of British manufacture are purchased by the Indian Trade Commissioner, London, the Indian Stores Department and the Controller of Contracts for being supplied to the Government of India ? If so, do Government propose to send Indian students to those British bulb manufacturing concerns for being trained in the art of manufacturing bulbs in India ?

(b) Is it a fact that Indian students are not allowed to learn bulb manufacturing in foreign countries ?

(c) Do Government propose to take steps for arranging to train Indian students in the art of manufacturing electric bulbs in the British bulb manufacturing concerns and do they propose to award Government scholarships to Indian students for such training ? If not, why not ?

Mr. J. A. Shillidy : (a) Electric lamps (bulbs) of British and Continental manufacture are purchased by the Chief Controller of Stores, Indian Stores Department and the Director of Contracts for various Departments of the Central and Provincial Governments. The Indian Trade Commissioner, London, is not a purchasing officer. The Government have not considered the question of sending Indian students for a course of training to the works of British or Continental electric lamp manufacturers as they have received no request to arrange for such facilities.

(b) The Government have no definite information but they are advised that the manufacture of electric lamps is a highly specialized trade in which there are many secret processes which manufacturers are reluctant to divulge.

(c) Government will carefully consider any application for facilities for training Indian students in the works of electric lamp manufacturers, and will endeavour to make suitable arrangements ; but in view of the present need for strict economy and also the fact that the development of industries is a provincial transferred subject, they can hold out no hope of being able to grant scholarships to Indian students for such training.

TRANSFER OF CONTROL OF THE CATERING DEPARTMENT OF THE EASTERN BENGAL RAILWAY FROM HEADQUARTERS TO THE DISTRICTS.

43. Khan Bahadur Haji Wajihuddin : (a) Is it a fact that the Catering Department of the Eastern Bengal Railway is under orders of transfer from the control of the Headquarters to that of the District ?

(b) Are Government aware that previously this Department was under the control of the District but for better control and supervision it was transferred to the Headquarters ?

(c) Is it a fact that since the transfer of the Department to the Headquarters, its income has risen to about 1½ lakhs a year without any complaints from the public ?

(d) Is it a fact that the Department was first started by Colonel Cameron with the approval and sanction of the Railway Board ? Has the approval of Railway Board been obtained to the above transfer ? If not, are Government prepared to inquire what has led to this reversion to the old arrangement ?

(e) Is it a fact that the contractors of the entire Railway have represented to the Agent the undesirability of such a transfer ?

(f) What action has been taken on the representation ? If it be still under consideration, are Government prepared to direct the stay of the transfer of control from the Headquarters to the Districts ?

Mr. A. A. L. Parsons : I have asked the Agent, Eastern Bengal Railway, for a report and will communicate with the Honourable Member on receipt of his reply.

TERM OF OFFICE OF THE TRAFFIC MANAGER, EASTERN BENGAL RAILWAY.

44. Khan Bahadur Haji Wajihuddin : (a) Is it a fact that the present Traffic Manager of the Eastern Bengal Railway has been holding that post for more than five years ?

(b) What is the ordinary term of an officer holding one post ?

Mr. A. A. L. Parsons : (a) No.

(b) Five years, but re-appointments to the posts may be as often, and in each case for such period not exceeding five years, as the Railway Board may decide, provided that the term of re-appointment shall not extend beyond the date on which the Government servant attains the age of 55.

ABOLITION OF THE PUBLICITY DEPARTMENT ON THE EASTERN BENGAL RAILWAY.

45. Khan Bahadur Haji Wajihuddin : (a) Are Government aware that the Publicity Department in the Eastern Bengal Railway was created by Colonel Cameron with the approval of the Railway Board ?

(b) Is it a fact that it has since been abolished ?

(c) What was the income and expenditure of this Department at the time of its abolition ?

(d) Has the sanction of the Railway Board been obtained for that ?

(e) Is it a fact that other Railways are strengthening and developing their Publicity Departments ? What led to its abolition on the Eastern Bengal Railway ?

(f) Are Government prepared to consider the desirability of re-constructing the Department, in the interest of the public ?

Mr. A. A. L. Parsons : I have called for certain information and will communicate with the Honourable Member on its receipt.

HEAVY WORK IN DISTRICTS OF THE EASTERN BENGAL RAILWAY.

46. Khan Bahadur Haji Wajihuddin : (a) Are Government aware that owing to considerable retrenchment in the staff attached to the Districts of the Eastern Bengal Railway, the work in the Districts is heavy and in the Headquarters light ?

(b) Will Government be pleased to state how many officers have been affected by the retrenchment operation and of which grade ?

(c) Is it a fact that no reduction has taken place in the strength of officers in the Headquarters, and the Districts are being burdened with further work by the transfer of the Catering Department from the Headquarters to the Districts ?

(d) Are Government prepared to consider the desirability of either reducing the number of the officers in the Headquarters or stopping the transfer of work from these, to Districts ?

Mr. A. A. L. Parsons : I have called for certain information and will communicate with the Honourable Member on its receipt.

UNIFICATION OF THE KANARESE-SPEAKING DISTRICTS OF MADRAS AND BOMBAY PRESIDENCIES.

47. Rao Bahadur B. L. Patil : (a) Is it a fact :—

(i) that a resolution for unification of the Kanarese-speaking districts of Madras and Bombay Presidencies and Coorg into one province was moved in the Bombay Legislative Council in 1929 ;

(ii) that it was unanimously supported by all members from the Kanarese speaking districts ; and

(iii) that it was opposed by Government members ?

(b) Is it a fact that a similar resolution has been passed by the Coorg Legislative Council ?

The Honourable Sir James Crerar : (a) (i) and (iii). Yes.

(ii) I have no official information.

(b) Yes.

POPULATIONS, REVENUE, ETC., OF CERTAIN KANARESE-SPEAKING DISTRICTS.

48. Rao Bahadur B. L. Patil : Will Government be pleased to state what are the population, area, revenues from Provincial and Central heads, and expenditures on Central and Provincial Heads regarding the

following districts :—(1) Dharwar, (2) Belgaum, (3) Bijapur, (4) Karwar, (5) Sholapur, (6) Bellary, (7) Nilgiris, and (8) Coorg Province ?

The Honourable Sir James Crerar : As regards the area of Coorg and of the districts mentioned in the question, I would refer the Honourable Member to the Imperial Gazetteer of India. As regards the population, he may refer to Volumes VIII and XIII, part II, Provincial Table 1 of the Census Report of India, 1921. The figures of the recent census have not yet been published.

The revenue and expenditure in Coorg are given in the Finance and Revenue Accounts of the Government of India, copies of which will be found in the Library. Figures of revenue and expenditure of the districts referred to are not separately available.

FORMATION OF A "KARNATAK PROVINCE".

49. Rao Bahadur B. L. Patil : (a) Are Government aware that the Madras Legislative Council passed a Resolution in 1929 recommending to Government that urgent steps should be taken for the formation of "Karnatak Province", comprising the Kanarese speaking parts of the Madras and Bombay Presidencies and of Coorg ?

(b) If so, have either the Madras Government or the Government of India taken any steps to carry out that resolution into effect ?

(c) If so, what are they ; and if not, why not ?

The Honourable Sir James Crerar : (a) Yes.

(b) and (c). A copy of the proceedings of the Madras Legislative Council received from the Government of Madras was forwarded to the Secretary of State.

UNIFICATION OF THE KANARESE-SPEAKING DISTRICTS OF MADRAS AND BOMBAY PRESIDENCIES.

50. Rao Bahadur B. L. Patil : (a) Are Government aware that for the unification of the Kanarese-speaking districts of Bombay and Madras Presidencies and of Coorg two Associations (i) "The British Karnatak Association", and (ii) "The Karnatak Yekikarna Sabha", are formed in Bombay Karnatak ?

(b) Is it a fact that the first named association submitted its memorandum before the Simon Commission and also before the Central Co-ordination Committee ?

(c) Will Government be pleased to state whether this subject is receiving attention at the hands of the Reforms Secretary and, if so, is he prepared to accept information and receive deputations ?

(d) Will Government be pleased to state whether the depth of public opinion in this behalf in the Kanarese-speaking districts of Bombay and Madras Presidencies has been ascertained and, if not, are Government prepared to ascertain the same from the Oriental Translators' Offices from Bombay, Madras and Coorg before the despatch of Government of India is prepared ?

The Honourable Sir James Crerar : (a) Government have no information.

(b) to (d). Government have not seen the memorandum referred to by the Honourable Member nor is the question at present under their consideration.

SELECTION OF A REPRESENTATIVE FROM THE KARNATAK FOR THE ROUND TABLE CONFERENCE.

51. Rao Bahadur B. L. Patil : Will Government be pleased to state whether communications and resolutions have been received from various associations from the Karnatak requesting Government to select a representative from the Karnatak for the Round Table Conference ?

The Honourable Sir George Rainy : The answer is in the affirmative. In this connection a reference is invited to the reply which I gave to Mr. Bhuput Sing's unstarred question No. 18 on the 26th January last.

NEW RULE FOR PAYMENT OF TWO ANNAS ON V.P. PARCELS AND REGISTERED NEWSPAPERS.

52. Rao Bahadur B. L. Patil : (a) Will Government be pleased to state whether representations have been received protesting against the new rule compelling payment of 2 annas in the case of all V. P. parcels, including registered newspapers and periodicals ?

(b) If so, are Government prepared to exempt the registered newspapers and periodicals ?

Sir Hubert Sams : (a) No.

(b) Does not arise.

INCOME-TAX APPEALS.

53. Rao Bahadur B. L. Patil : Will Government be pleased to state whether they have or are prepared to consider the question of joining the Income-tax Department to the District Revenue establishments on the lines similar to the old system and to arrange for the hearing of Income-tax appeals by officers unconnected with the work of departmental assessment, e.g., the officers of the Judicial Department ? If so, is it their intention to issue orders or to introduce necessary legislation ?

The Honourable Sir George Schuster : The Government do not propose to restore the work of collecting taxes on income to the District Revenue staff or to provide for Income-tax appeals being heard by officers not connected with the Department.

ENHANCED COST OF ENVELOPES AND PARCEL POST RATES.

54. Rao Bahadur B. L. Patil : Are Government aware that representations were sent by a large number of associations and individuals, protesting against the enhanced rate of one pie in the cost of the envelope and the enhancement of postal parcel rates from the 15th June, 1931 ? If so, what steps have been taken in this matter ?

Mr. J. A. Shillidy : Yes. The senders of the representations were informed of the inability of Government to accede to their request.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I beg to move that the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of*

12 Noon.

Section 144), be referred to a Select Committee consisting of the Honourable the Home Member, Diwan Bahadur T. Rangachariar, Sir Hari Singh Gour, Rai Sahib Harbilas Sarda, Mr. B. R. Puri, Mr. Lalchand Navalrai, Sir Muhammad Yakub, Maulvi Sayyid Murtuza Sahab Bahadur, Mr. C. B. Elliot, Mr. Muhammad Azhar Ali, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.

Honourable Members will remember that this subject was debated upon at considerable length in the last Delhi Session. My motion to refer this Bill to a Select Committee was lost by one vote. Since then the Bill went out to the country for the purpose of eliciting opinions thereon. With regard to the opinions that have been received since then, my first complaint is that the presentation of the opinion of the country leaves much to be desired. I find that most of the opinions are from local officials and Local Governments. In this connection I should like to ask my Honourable friend the Home Member if he has in his possession the names and number of non-officials who were consulted on this subject. It goes without saying that when the Bill was referred to public opinion, almost all the Local Governments and officials concerned would be hostile to my Bill. My apprehensions have been realised. I find, Sir, that most of the opinions emanating from official sources have been distinctly antagonistic to my Bill. That was a foregone conclusion. With regard to the opinions received, I must divide them into two parts, first those from official sources and the second from non-official. Non-official bodies and individuals have for the most part supported the general principles of my Bill. Before I proceed further, I should like to bring to the notice of this House that a question which was asked by my Honourable friend sitting behind me with regard to the number of cases in which this section was applied has not been answered by my Honourable friend the Home Member. His reply was that the trouble involved in getting the statistics would be out of all proportion to the results. That indicates, Sir, that there must have been innumerable cases in which this section must have been applied.

The Honourable Sir James Crerar : Will the Honourable Member allow me to interrupt him for a minute. That is not a fair inference from my reply. I must point out that, in order to provide accurate and ascertained statistics of the kind asked for by the Honourable Member, it would be necessary to refer to every District Magistrate, every Sub-Divisional Magistrate and every specially empowered Magistrate in India and that is a very great task.

Mr. Gaya Prasad Singh : I am not making a grievance of this fact.

The Honourable Sir James Crerar : I thought the Honourable Member was making a grievance of this.

Mr. Gaya Prasad Singh : I was only bringing to the notice of the House that it is not in a position to judge for itself in how many cases this section was applied by the officers of Government in all the provinces. Now, Sir, with regard to the opinions received, I should like to refer to the opinion of the Calcutta High Court, the



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premier High Court in India, and as befitting its position, it has declined to give any opinion on this question because it raises a controversial question of policy. This is exactly what other High Courts might with advantage have followed ; but I find that some of the High Courts with perhaps an unconscious political prejudice have gone out of their way in criticising what is after all a question of policy. The High Courts, as I understand it, have only to administer the law as they find it. It is no part of their duty to advise the Government on questions of policy, and I should have been glad if the other High Courts had followed the salutary example of the Calcutta High Court. Now, Sir, one Honourable Judge of the United Provinces High Court has approved of my Bill. This Honourable Judge says :

“ I am generally in sympathy with the object of the Bill, but I am not in a position to say whether the Bill, as drafted, would answer the object the learned introducer of the Bill has in view. Although an order passed under section 144 of the Code of Criminal Procedure is open to revision by the High Court usually there would not be any materials before the Court on which it can pronounce any opinion. It would, therefore, be desirable that there should be some material on the record to indicate why the Magistrate issuing an order under section 144 of the Code of Criminal Procedure has issued a particular order. In urgent cases this will not be possible ; but when the urgency is over after the order has been passed, sufficient material may, in some cases, be put on the record in justification of an order passed.”

Mr. Justice Boys of the same High Court says :

“ The section as it stands is open to abuse and the instances quoted indicated that it has been sometimes improperly used.”

For this limited support I am thankful to these two Honourable Judges of the High Court.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : That is no support. That is against you.

Mr. Gaya Prasad Singh : My Honourable friend should apply his mind and read what I have just read out.

Mr. K. Ahmed : I have done it.

Mr. Gaya Prasad Singh : In my own province of Bihar and Orissa, it is stated that almost all the Bar Associations and the non-official bodies are in favour of the Bill. The Bihar and Orissa Chamber of Commerce is also in favour of the main features of my Bill. Then, Sir, I pass on to the opinion of the Commissioner of the Irrawaddy Division in Burma. He has opposed my Bill, and I do not at all find fault with it. But what I want to say is this—that he has indulged in language of a kind which does not befit his position as a responsible officer of Government. I want to bring to the notice of this House the language in which he has indulged. He says :

“ In India and Burma the Government is constantly engaged in putting down violent disorders. Murderous riots arise from the smallest causes. There is a section of politicians who hope to profit by those disorders under the present Government and thereby hope to attain power more rapidly than they otherwise might. This section is engaged in the constant effort to eliminate the powers of Government to deal with disorder. I look on the Bill merely as an expression of the political intrigue of that section.”

Sir, this language is impertinent, it is stupid, if I may say so.

Mr. K. Ahmed : That is not Parliamentary language to use !

Mr. Gaya Prasad Singh : May I ask what is the point my Honourable friend wishes to make ? Sir, instead of making these unintelligent

interruptions, it would be well for my Honourable friend to stand up and make such observations as he likes, and I am prepared to give way to him as many times as he likes to interrupt me.

Mr. K. Ahmed : You should follow my advice.

Mr. Gaya Prasad Singh : As I stated before, this is attributing a motive which no responsible officer of the Government should have done. Can I not retaliate that these officers of Government want to retain these powers in their own hands, so that in the event of the Round Table Conference failing and of the civil disobedience or any other movement springing up afresh in the country, they might have sufficient powers to curb the legitimate activities of the people and thereby to preserve powers for their own selves and for their own children and grandchildren who come from a distant country, and who in their own country can never hope to make as much money as they are privileged to make in this country.

Mr. K. Ahmed : Hear, hear.

Mr. Gaya Prasad Singh : Now, Sir, my Bill provides for an appeal to the Sessions Judge ; and in favour of this proposal I find that among the officials there is a Judge of the United Provinces High Court, and a District Magistrate of Burma, whose opinion is given on page 27. This is what the latter says :

“ It seems to me impossible to deny that there should be an appeal and that the appellate court should be accessible. The absurd orders that have been issued in some cases seem to justify the claim.”

An Honourable Member : Where is this ?

Mr. Gaya Prasad Singh : On page 27. He admits the desirability of an appeal to the Sessions Judge. I need not refer to other opinions in my support. The Commissioner of Arakan in Akyab is also in favour of my Bill. Then, Sir, I will read out to you just one sentence from the letter of the Chief Secretary to the Government of Assam, which is at page 35. In the course of that letter it is stated :

“ Non-official opinion on the Bill generally discloses a resentment of the use of section 144 of the Criminal Procedure Code for preventing political processions, speeches and meetings.”

Now, Sir, in the course of my speech which I delivered to the House when making my motion on the last occasion, I gave innumerable instances in which the provisions of this section have been misused. On two known occasions when the cases went up to the High Court, the absurd orders that were promulgated under section 144 had to be set right by the High Court. I referred to the two cases in which the District Magistrates issued orders prohibiting people from wearing what are known as Gandhi caps, and hoisting in their private houses national flags.

Mr. K. Ahmed : You mean only for these two cases there should be an appeal ?

Mr. Gaya Prasad Singh : I shall give a few more instances. In April 1925 a garden party was given by the Mahant of Emir Math in Puri to the Governor of Bihar and Orissa. As a resentment against this action, a *hartal* was observed by the public and a protest meeting was held. Immediately, a notice under section 144 was issued on Pandit Gopa Bandhu Das and six others prohibiting them from holding any meeting. Now those who wanted to hold this protest meeting wanted to do so on

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the ground that the Math was a trust property, and no expenditure should have been incurred out of this trust property for the entertainment of Government officials. I ask, Sir, was that a proper justification for the issue of a notice under section 144 ?

Mr. K. Ahmed : Why did you not institute a civil case and ask for an injunction ?

Mr. Gaya Prasad Singh : On another occasion orders under section 144 were served on the President of the Congress at Dehra Ismail Khan prohibiting the picketing of shops or the organizing of such picketing for two months in July 1931. This was after the Gandhi-Irwin pact, although it is mentioned in that pact that peaceful picketing should be allowed. In May last in Bankura in Bengal a circus company arranged a benefit night in aid of the local Congress Committee. The Secretary, with the help of workers of the Committee, managed to sell tickets amounting to about Rs. 400. In the evening the Sub-Divisional Officer promulgated an order under section 144 prohibiting the manager of the circus from showing any performance that night. Can the lawful right of a citizen, Sir, be curtailed in this way anywhere else in the world ? If the circus company had not arranged for a benefit night with the Congress, this order would never have been issued.

Mr. K. Ahmed : Why did you not avail yourself of the provision of section 439 and move the High Court, when you would have got a better remedy ? And in the latter case a suit for damages would serve the purpose.

Mr. Gaya Prasad Singh : Then, Sir, in May last a notice was issued on a person in District Murshidabad prohibiting a particular person from delivering a lantern lecture on behalf of the Congress. Then, in Chittagong a very curious order under section 144 was issued in June last. I shall read it out to you ; it will at once show to you its absurdity. The District Magistrate says :

“ I am satisfied that it is necessary for the immediate preservation of public tranquillity and for the prevention of danger to human life that young men belonging to the *Hindu* Bhadralog class between the ages of 16 and 26 should not leave their respective houses in the under-mentioned areas between 7-30 P.M. and 5 A.M. I direct under section 144 of the Criminal Procedure Code that all *Hindu* Bhadralog class youths within the areas mentioned above, residing or staying within the limits of the municipality of Chittagong, the jetties and Pahartali not to leave their respective houses between those hours.” “ The order will ” (it was stated) “ come into force from the 8th June. Persons serving in the railways and jetties affected by this order should apply for passes. Other persons having urgent requirements may get passes from the Kotwali.”

Now, Sir, this from a Magistrate's order actually issued. It was impracticable, and it gave rise to considerable resentment and trouble. It had been applied only to Hindu Bhadralog youths of particular ages. Then in the United Provinces in Rae Bareilly in June 1931 a worker of the Kissan Sabha was served with a notice prohibiting him from addressing meetings, organizing Kissan Sabhas, distributing handbills and collecting funds. The President of the District Congress Committee in Lucknow was served with a notice under section 144 prohibiting him from making any speech or utterance, or attending any meeting or disseminating any

leaflet, or collecting subscriptions, or doing anything in writing whatsoever on the present agrarian or political situation in the district in connection with any propaganda, directly or indirectly, connected with agrarian, political or labour problems. I beg to submit that this is a most comprehensive order and it embraces within its scope almost all phases of legitimate national activity. Almost all the legitimate activities which a person is entitled to under the law are sought to be prevented under the cover of this section.

I will now read to the House the text of an order which was issued under section 144 in a place called Urgaon in the Madras Presidency. This order was issued on Mr. O. V. Rajgopal Naidu and seven others representing the Humanitarian League and the Temperance Federation, prohibiting them and others from picketing, lecturing or holding any demonstration within a radius of two furlongs of the excise shops in a particular locality.

Mr. A. H. A. Todd (Madras : Nominated Official) : Are you referring to a place which is in British India or in a Native State ?

Mr. Gaya Prasad Singh : I do not know exactly the locality of this place.

Mr. A. H. A. Todd : It is not in British India at all.

Mr. Gaya Prasad Singh : Then I am sorry I mentioned it.

Now, Sir, the way in which section 144 has been misapplied, abused and prostituted for the purpose of putting down legitimate political activities of the people and of the Congress in the United Provinces has been referred to in that memorable letter written by Mahatma Gandhi to the United Provinces Government, as a result of which the Commissioner of Rae Bareilly had to withdraw the notice which was issued under this section. Pandit Jawahar Lal Nehru, in the course of a Press interview relating to the misuse of this section in some of the districts of the United Provinces and other places, says as follows :

“ The use of section 144 to curb and stop Congress activities cannot be tolerated for long.”

Honourable Members will remember that in Simla only in July last the States People's Conference was going to be held and the delegates assembled at a particular place. The then Deputy Commissioner of Simla, the late Mr. Crump, or his Assistant did issue an order under section 144 dispersing that peaceful gathering. I have not a word to say with reference to the merit of that particular meeting which was going to be held, but it was on insufficient materials and on the spur of the moment that this order was issued, and it formed the subject of controversy between the Local Government and some of the organisers of the meeting.

Sir, I have mentioned just a few instances where this section has been misapplied. Honourable Members will see that it is high time that steps should be taken to prevent any further mischief being done as a result of the abuse of powers vested in the Magistrates under section 144. I assert, Sir, that some of our Magistrates have not properly applied the provisions of the section. They have forfeited our confidence to that extent, and it is therefore proper that we must circumscribe the powers which this law vests in the Magistrates. This section forms an entire chapter by itself in the Code, and it has been expressly enacted for the

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purpose of preventing urgent cases of nuisance or apprehended danger, but it is being extensively misapplied all over the land for political purposes. There is a general bitterness of feeling against the abuse of section 144. Sir, it is quite possible that the language of my amendment may not come up to the mark. After all, I am concerned only with the substance of the amendment which I seek to introduce in that section. I therefore move that my Bill be referred to the Select Committee. The Select Committee, if it pleases them, might make suitable modifications on whatever line they think fit. I do not want to take up the time of the House any more because the subject has already been debated at considerable length in the last Delhi Session.

I therefore move my motion.

Mr. J. F. Dyer (Central Provinces : Nominated Official) : Sir, I am not astonished that in moving that his Bill be referred to a Select Committee the Honourable the Mover has succeeded in making only a very halting and in some places, I think I am right in saying, an intemperate speech. I have read the opinions recorded on the Bill and I was frankly wondering what answer he would give to them. First of all, he said there were too many official opinions, but I should like to bring to the notice of this House that officials have a very particular interest in this section. It is on the shoulders of the executive officials to see that proper orders are made and applied ; it is on the shoulders of the members of the Bench to see that the section is not abused.

In going through the opinions the Honourable the Mover made certain quotations. It is rather significant that he omitted one quotation which I will now make. It is from Bihar and Orissa, which is the province of the Honourable Member himself :

“ The High Court considers that it ” (*the Bill*) “ has no merits and should be opposed.”

Of all the opinions recorded, the one which I like the most is that given on page 7, the opinion of the Honourable Mr. Justice Muhammad Raza. Before I quote that opinion, I should like most respectfully to protest against the language used by the Honourable the Mover about the opinions of judicial officers. If I am not mistaken, he insinuated that they were influenced by political motives. I am only an executive officer but prefer to believe that the High Court Judges are honest men who give honest opinions. Now, this opinion of Mr. Justice Muhammad Raza has two merits—it is short and it is to the point. He says :

“ In my opinion the proposed amendment is ill-advised and mischievous in its consequences. I am entirely against the Bill. I agree with my brother, Kisch, J.”

Now that opinion, if it had been passed by an executive officer, a District Magistrate or a Commissioner, might well have been rejected by this House as prejudiced, but it is passed by a judicial officer. I ask the House a fair question. It is alleged that section 144 has been grossly abused. It is a fact that the only bodies which can at present interfere with an order under it are the High Courts. Why is it then that the opinion of the High Court Judges is almost unanimous in opposing the Honourable the Mover's Bill ? Until we get a clear answer to that question, the Bill should not go to Select Committee.

Section 144 is only one of the many instruments in the hands of the executive Government for maintaining law and order, not always as I

know from a fairly considerable personal experience a very easy or a very pleasant task. Personally I have not much resorted to it. Since I returned to duty from long leave in July of last year, I have consistently counselled District Magistrates in my Division against its use. I have gone further and have argued with my Local Government against its use. The section has many objections. One is this. If I may use what is now-a-days a common expression, it invites people to cheap martyrdom. In this case the martyrdom is very cheap indeed because the ordinary maximum punishment under section 188 of the Indian Penal Code is only one month's simple imprisonment. I do not know what other Provincial Governments have done, but my Provincial Government have provided a "B" class jail in one of the best places in India. One month's simple imprisonment in a cool district is a great deal more of a rest cure than a martyrdom. But there are circumstances under which section 144 is the proper instrument, and so long as these circumstances exist, so long as the section is on the Statute-book at all, it must remain there in an effective form, because to put it bluntly, it is a serious thing to trifle with it, for such trifling not always but often may amount to trifling with men's lives.

One of the many ways of maintaining order is that the people should have confidence in the man who happens to be the local Magistrate. He is not necessarily the best District Magistrate who faces the music with the greatest courage when trouble arises; nor is he necessarily the best, who takes the quickest and most effective means of restoring peace when it is disturbed, nor is he necessarily the best Magistrate who always passes orders under the Criminal Procedure Code in such a way that no High Court wants to interfere with them. He is the best Magistrate who so inspires confidence in his subordinates, Magistrates and police down to the constable and who so inspires confidence in the public that extraordinary measures are never necessary. No man can inspire confidence in others unless he has confidence in himself, and no Magistrate is going to have confidence in himself if he knows that what should be a stout staff in his hand is in reality a broken reed, such as the section will be if it is amended as the Honourable the Mover wants.

The Honourable the Mover devoted much of his speech to the abuse of the section, and in the debates in the Assembly when the Bill was first introduced, that point was raised. There are, I believe, somewhere about 250 districts in India. The Honourable the Mover has to give me 250 illustrations of abuse before he reaches an average of one abuse of the section in each district of India. This is not the only provision of law that is ever abused, and to say that it is sometimes abused is merely to say that Magistrates are human. If High Courts never misapplied the law, there would be no work for the Honourable the Judicial Committee of the Privy Council. Until I get proof that this section is habitually abused, as the Honourable the Home Member said when he spoke in the Assembly in January last, I am not convinced that its abuse is a ground for amending it. I know that in my own province the section has been sparingly used. There are two forms of abuse. There are orders which are positively wrong and bad. These can be corrected under the present law by revision in the High Court. There are orders which are merely over-cautions, and every body who has studied the delicate question of the maintenance of order in this country knows that it is better to be over-cautions ten times than to be under-cautions once and to be caught napping.

[Mr. J. F. Dyer.]

There are three main principles in the Bill. Firstly, there should be a special procedure for what the Bill describes as "any public or political meeting, association, processions or other demonstration". Yesterday in the debate on the Press Bill, Sir Hari Singh Gour rightly talked about the necessity for good definitions. It seems to me that this is rather a loose definition, and I defy human ingenuity to define precisely what a political meeting is. This is not a question of detail or of drafting. It is fundamental that there cannot be a satisfactory definition such as can be embodied in this clause. Also the implication is that all political meetings were legitimate activities. I quote the words used yesterday afternoon by Mr. Ranga Iyer :

"It is from these big huge processions that immature youths derive their inspiration. From black flags they march on to black actions."

That is a description of a "political procession" from the opposite side of the House the purport of which ought, I presume, to find a place in this clause.

Let me give two examples from my own Division. In one of the more backward districts of the Central Provinces, the Gonds had heard in their homes the glad tidings that Swaraj had come to India. They marched to headquarters to verify the fact. Unfortunately their Swaraj was of a kind which would not command universal approval. It was all too simple. It consisted of what I may call the three F's, free land, free forests and free drink. They marched to headquarters several thousands strong. They were met by the Superintendent of Police with an adequate force. He dealt gently and tenderly with the procession. There was no violence, there was no lathi charge, but when the mob had vanished and the police had finished their work, the District Superintendent had in his possession enough sticks to equip fully the local boy scouts. Is that the sort of meeting or procession which is to be specially protected by this Bill? Let me give another example. I happened to be in one of my districts when the District Magistrate and the Inspector of Schools had made up their minds to reopen the Government High School after it had been closed on account of civil disobedience. The local apostles of non-violence presented an ultimatum to the District Magistrate, that they would not permit the school to be opened unless the Congress flag were hoisted on it. They told him that if he attempted to reopen the school without hoisting the flag, in five minutes a crowd of two thousand would appear from the bazar and prevent the reopening. The District Magistrate did not take action under section 144. He merely made adequate dispositions of the available police force, and the mob did not appear. Is that the sort of political procession that is to be given a special procedure under this Bill? The fact is that in this country, we never know, when a meeting is going to be orderly or when it is going to be disorderly. Seventy years ago the Indian Penal Code provided for an assembly which starts as lawful becoming in its course unlawful. Precaution is necessary, as we never know when there is going to be danger.

The second principle is that in certain circumstances evidence should be recorded. Now, evidence can only mean evidence in one sense, evidence as we know it inside the four corners of the Evidence Act; and the very essence of this section as at present drafted is that the facts on which a Magistrate acts are not evidence under the Evidence Act. He has to draw on his own experience of what has happened in previous cases; he has to act on probabilities and possibilities; he has to weigh risks, and he has

always to err on the side of caution. Delay in passing an order under this section may mean murder.

The third principle is that of appeal. There are two objections to this principle. The first is that the appeal is to the Sessions Judge. I say this quite frankly and without any unfriendly feeling towards Sessions Judges. They may be older, more experienced and wiser men than the District Magistrates. In my Division at present there are five District Magistrates and three Sessions Judges. In each case the Sessions Judge is older in years and of greater experience than the District Magistrate. I have every confidence in each of them. But the whole nature of the Sessions Judge's training unfits him to judge an order under this section. He is accustomed to sit down at his leisure, study evidence carefully, hear counsel, consult his lawbooks and his law reports and then in his own time come to a very considered decision. The District Magistrate in passing an order under section 144 has to act on the spur of the moment and judge more by the atmosphere than by the evidence. But the great objection to this provision of appeal is that it gives divided responsibility. Whoever has to see the show through cannot be interfered with. It is an old saying that one general, even though he is an indifferent general, is better than two. What are we to think if one general has to plan and carry on the action and then another general suddenly cuts across his path and upsets all his plans? If I can judge from some of the questions which I have heard answered in this House, some of the Honourable Members are interested in horses. To put one man in the saddle and another man on the reins is not the best way to get a horse over a jump.

Sardar Sant Singh (West Punjab : Sikh) : Then why do you keep the judicial system? Abolish it and have executive authority.

Mr. J. F. Dyer : I am afraid I must ask for notice of that question. If I am driving a motor car and I am to be responsible for any accident, I am not going to allow the Honourable the Mover to interfere with the steering wheel just as some joy-walker comes across my front.

Some of the opinions talk of coming political changes. I do not quite know how they affect the question, except of course on the old principle of King Charles' head. But in one way, I think they do come in. One of the many privileges of self-government is, if I may use a familiar expression, that one must do one's dirty work. I do not see why the stipendiary Magistrate should for ever face the music and the honorary Magistrate should take refuge behind him. It will be increasingly the duty of honorary Magistrates to deal with law and order. I can quite well imagine an unkind fate making the Honourable the Mover an honorary Magistrate. I can imagine him sitting down to record evidence under his revised section 144, and just as he is doing so, a well-aimed brickbat hitting him fair on the chest. What is he going to do? Is he going to continue recording his previous evidence? Is he going to continue to scribble while Muzaffarpur burns? He would most appropriately be hoist with his own petard, and to the harassed executive officer it would be just retribution in an otherwise inequitable world.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Sir, the principle of section 144 of the Criminal Procedure Code is, as all Honourable Members know, to stop a thing from happening which if it happened would be deplorable. That section

[Mr. Muhammad Yamin Khan.]

is to be used in emergency cases and is used to stop a thing which should not happen. Let us see what the amendment of the section, as proposed by my Honourable friend, is seeking to do. He wants that, before a Magistrate takes action, he should give weight to and duly record evidence before passing any order. The words which he has used are "duly record evidence". Duly recording evidence means that witnesses must be summoned or brought under warrant, because a Magistrate has got no right to catch hold of a man without issuing any process and ask him to come before him and give evidence. And evidence naturally means that the other party must also be present to cross-examine. Any party who is aggrieved or any party against whom it is sought to pass an order under section 144 is to be given a full chance of cross-examining those persons who come before the Magistrate to make their statements. Then only it can be duly recorded evidence. If that is the meaning of my Honourable and learned friend, then I think he is suggesting something which will defeat the very object for which section 144 is meant. Instead of stopping those things from happening it will encourage them to take place; I will give certain concrete examples. It is not very long ago that we had a debate in the Assembly about the affairs which took place at Cawnpore; we had a motion for adjournment and what was it? It was to blame the Government for not taking proper action in time to stop the thing which happened there. Now, any of my Honourable friends from Cawnpore can bear me out that twitwitness after witness who came before the Inquiry Committee blamed the officials for not taking action in time to stop those really sad occurrences which we all deplore.....

Mr. Gaya Prasad Singh : Did any of the witnesses suggest the promulgation of section 144?

Mr. Muhammad Yamin Khan : Not one; quite right; but if section 144 had been used, it was the real thing to stop the mischief.

An Honourable Member : Question.

Mr. Muhammad Yamin Khan : My friend wants that section 144 should not be used until the whole evidence is gathered and until the whole thing comes up to this pitch that a fight takes place, bringing ruin to a city or district. If this Bill is passed, that is what it would really amount to.

I will just draw my Honourable friend's attention and request him to give a moment's thought to what he is driving at and what will be the consequences if this section comes in. He wants not only to stop a Magistrate from taking action in political meetings or public meetings; but he wants that a procession or demonstration should not be stopped unless he has duly recorded evidence and finds on that evidence that the procession should be stopped. Does he remember an instance which took place some years ago in Delhi, when some Muslims wanted to take a procession of a cow on a Bakr-Id day decorated to the slaughter house through a Hindu *mohalla*, and what would have been the result if that had not been stopped then and there? Would he like on the Bakr-Id day that some people should take out a procession just to annoy the Hindu public, through a *mohalla* mostly inhabited by the Hindu public, and to create a quarrel and a riot between the two communities?

Would he like the Magistrate to sit at his home and wait till witnesses were summoned and evidence tendered and cross-examination allowed.....

Mr. Gaya Prasad Singh : That is why I have provided for an *ex-parte* order to be promulgated in the next sub-clause.

Mr. Muhammad Yamin Khan : Supposing he makes an order for forty-eight hours ; these people will say, " All right we will wait ". This procedure will take three or four days ; does he want the Magistrate to sit there and wait till a motion of adjournment is brought in this House and a vote of censure is passed on the Government because the Magistrate did not take proper action in time ? We know there have been many occasions when the Muharram and Janmashtami Ramnaumi fell on the same day ; on many an occasion the Hindus and Muslims come together and arrange that at such and such a time the Muharram procession will pass and at such and such a time the Janmashtami procession will pass amicably and satisfactorily. But supposing in one place the Hindus and Muslims are not so wise and they do not have the regard for each other's feelings that they ought to have, then there will be a clash. Does my friend want that a procession should be passing and demonstration should take place in the same streets on Muharram and Janmashtami ? There may be bloodshed and hundreds of people may be killed ; but my friend wants that the Magistrate should sit in his room and say, " I will issue warrants and summons to record evidence of witnesses who will come before me and I will give a chance to people to cross-examine them ". Will that be right and proper ? And is it the remedy which my friend is seeking for ? I may say that there is some justification when he complains that this section has been misused by the magistracy. *e.g.*, in regard to the Gandhi cap. But these are trifling matters which might have occurred.....

Mr. Gaya Prasad Singh : How many heads were broken as a result of the promulgation of this order ?

Mr. Muhammad Yamin Khan : I do not know how many heads were broken. I listened very carefully to his speech and found that he did not give any number ; but I find that in many cases section 144 has been used to save many heads from being broken ; it has not been used in many cases to break heads but to save heads. I do not say that all Magistrates are perfect ; after all they are human beings. I do not say that every Magistrate is above all other human beings ; he is as much infallible as we are. He may misuse his powers, which we are liable to misuse if we are placed in that position ; he has to make up his mind and come to a decision on the spur of the moment without losing any time ; and he is quite likely to make an honest error of judgment. But you cannot say that because that is likely to happen therefore the law should be taken away. There are many laws which are broken every day. Although we have got many sections in the Penal Code, there are people always ready to come forward to break the provisions of law. There are sections to stop burglaries, but burglaries are happening to-day. But there is a section of the people who are terrified of the law. Proper use will bring this about. I quite admit there has been improper use of the law and some people might

[Mr. Muhammad Yamin Khan.]

have been swayed by feelings at a certain time. But you have to judge them from the circumstances in which they were placed. When we sit coolly in a cool atmosphere far away from the scene of the occurrence, we cannot properly judge of the feelings of the Magistrate at the time. We will have to go to the place and actually see and judge the man from the circumstances from which you can never separate his action. If you judge it in that light, you will find that there is not always so much want of justification as is sometimes alleged. I quite agree that there will come a time when the Magistrate will use this power very sparingly. Times are changing. Political disturbances take place and some people of one party want to force their will on other people. Then a peaceful citizen has got other remedy ; he has to go to a Magistrate, and the Magistrate can do nothing else except to use section 144. We know that in Cawnpore the riot came about simply because a certain section of the people chose to force their will upon others who were not willing to share their views. The result was so sad. If section 144 had been properly used at that time, we know that this would never have taken place and much monetary suffering and bloodshed would have been avoided. Naturally the Government, after full and careful inquiry, have found that the proper remedy was not applied, and my Honourable friend wants to take away that remedy from the hands of the executive. Our complaint is that it has not been properly used ; it has not been used on occasions when it ought to have been used. My friend ought to have said that this power ought to be very carefully used rather than deny it to the executive. If my friend disagrees with me in my views, political or otherwise, and if I force him to agree with me, there is no reason why he should accept that position. I can persuade him to agree with me, but I have no right to force him to my wishes. And if I use any force, the Magistrate must be there to save him from my high-handedness. If a Magistrate is not protecting him, he is not discharging his duty properly. This is the only weapon which is in the hands of the executive. I know that there is some defect in section 144. It can be improved. But
 1 P.M. this is not the way of improvement, this is not going to improve section 144.

An Honourable Member : Go into the Select Committee and improve it.

Mr. Muhammad Yamin Khan : Unless the whole Bill is absolutely changed, which will never be allowed in the Select Committee. Instead of improving section 144, it is going to ruin the law as it stands, and for that reason, Sir, I oppose the motion made by my Honourable friend.

Mr. A. Hoon (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I really do not understand why an idea has taken hold of our friends on the other side of the House that section 144 is going to be removed from the Statute-book or that the powers which the Government are now armed with are going to be taken away from their hands altogether. The Honourable and the learned speaker who spoke last and the one who spoke before him both sounded this note of warning, and they seemed to be under the impression that the whole administration was going to come to an end, and they also gave us to understand that section

144 is the only weapon in the hands of the Government with which it can maintain peace and order in the country.....

Mr. J. F. Dyer : On a point of order, Sir. That is precisely what I did not say.

Mr. A. Hoon : I again say that you implied that every time in your speech. The point to be considered is this, has the Honourable the Mover suggested that section 144 should be removed from the Statute-book, or has he suggested that, taking into consideration the particularly difficult times, section 144 and its provisions are likely to be abused by young and inexperienced Magistrates who are now given administration of districts even with 3 or 4 years' experience only? Sir, there is a very strong desire on the part of every one of us that peace should be maintained. I am one of those who will hold the Government responsible if peace is not maintained. I do not want that the powers of the Government should be curtailed, but at the same time, Sir, I say with all the emphasis at my command that I do not want the Government to commit acts by which their officials hold the whole Government in contempt in the country. (Hear, hear.) There is a provision in the Indian Penal Code according to which if a person does any act, makes any speech or does anything in writing by virtue of which he holds the Government up to contempt in any way, he can be run in under section 124-A., one of the most penal sections in the Indian Penal Code. I submit, Sir, that the time has come when there should be introduced a similar section which should say that a Government official who by his acts holds the Government up to contempt should also be similarly dealt with. (Hear, hear.)

Sir, the mischief which is done by the abuse of law is much more harmful than the mischief which is done by the actions of private individuals, and the absurd and ridiculous orders passed on the two occasions mentioned by my Honourable friend under section 144. I submit, show the extent to which the provisions of the section can be abused. All that we say is that, considering that we are going through difficult times and considering that we cannot help putting in officers with little experience, or shall we say immature experience, in charge of districts, is it or is it not time that we should see that no provisions of the law are abused? Sir, there is no gainsaying the fact that the provisions of section 144 are so wide that they are likely to be abused by young and inexperienced Magistrates. The chapter under which section 144 comes in says,—“temporary orders in urgent cases of nuisance or apprehended danger”. The Honourable and the learned Mover has made provision in his Bill under which an *ex parte* emergency order can be passed, but with this proviso he says that the *ex parte* order will not remain in force for more than 48 hours. Sir, it is up to the gentlemen who go to the Select Committee to extend that period if they like. But I submit that the Magistrate is empowered to pass an *ex parte* order, and if that *ex parte* order remains in force for 48 hours, there is no reason why an inquiry cannot be instituted, and I believe my friend the Mover of the Bill has got this idea in mind that once the inquiry is started, the action complained of will not come until the matter is decided. My friend who spoke last totally ignored this special provision of the Bill which is now before the House. The emergency powers are there. A Magistrate can pass an *ex parte* order if he likes, but all that we want him to do so is, if he does pass such an order, to give us a chance to explain to him as to why that order should

[Mr. A. Hoon.]

not have been passed. If you think the time stated, namely 48 hours, is too short, extend that time.

Mr. K. Ahmed : The intention is there.

Mr. A. Hoon : The intention, Sir, is there no doubt. Suppose I am the District Magistrate of a district, and at 9 o'clock in the morning I come to know that there is going to be a procession at 11, I will pass an order straight off, because the Bill makes a provision for it. I am afraid, Sir, that the gentlemen who are objecting to the Bill have not studied the Bill carefully and with sympathy. If you do not read the Bill with sympathy, you are likely to ignore its provisions, which go to its very root. I submit, Sir, that when the new Bill which is now before the House, does give powers to the Magistrates to take action immediately, it does not curtail their powers in any way. It only throws on them the further responsibility of taking evidence. My friend Mr. Yamin Khan has given in detail the difficulties that are likely to crop up when the question of taking evidence comes up. I do not see any of those difficulties. The Magistrate will duly record the evidence put before him by one party. Similarly he will ask the other party to say what they have got to say, but there is no reason why we should entertain the fear that the proceedings are going to be very prolonged. The proceedings may be summary, and evidence may be taken in a summary manner and the case decided without delay. There is absolutely no reason for any apprehension with regard to the curtailment of the powers of the Government, and I do not see why there should be so much concern in the minds of our friends opposite with regard to this provision. I remember when the Bill came up before this House at Delhi my friend Mr. Puri quoted several instances of the abuse of power and he wound up by saying that if such orders are passed under section 144, it is clear that either something is wrong with the magistracy or something is wrong with the provisions of the Bill.

Mr. K. Ahmed : What is wrong with the magistracy ?

Mr. A. Hoon : Please speak louder, and I will answer your question.

Then, Sir, my friend Mr. Yamin Khan made a reference to the affairs at Cawnpore, and I think it my duty, although perhaps it will not be very very relevant to the Bill, to advert to that point. My friend Mr. Yamin Khan thinks that because section 144 was not invoked in time in the city of Cawnpore, all that bloodshed and rioting took place. My friend is entirely wrong. He was not in Cawnpore. I was in Cawnpore in the thick of the riot, and I know what was the cause of those riots. Sir, it was not because section 144 was not invoked ; it was the vindictive lethargy not to do one's duty which caused all that bloodshed in Cawnpore. The finding of the Committee of enquiry appointed by the Government is not that section 144 was not invoked, but that the District Magistrate was keeping all the time inside his house and not going about and doing his duty as he ought to have done.

Mr. Muhammad Yamin Khan : What could he do by going about without the powers ?

Mr. A. Hoon : I am surprised to hear those remarks from Mr. Yamin Khan who I believe is in touch with some sort of administration of a Municipal Board. Don't you think that personality counts and carries a lot

of weight ? Don't you think if there was a riot in the city, and the District Magistrate went round the affected area with some respectable citizens, he could do a lot ? Our friend the District Magistrate at Cawnpore was sitting inside his house and telephoning and answering telephone calls, and unfortunately, in answering those calls he was making some remarks which were extremely tactless ; such that I do not want to repeat them here.

My Honourable friend Mr. Yamin Khan has also said that we are passing through very difficult times and Mr. Gaya Prasad Singh should really ask the House to make such a provision in his Bill that section 144 may be used all the more. I submit that that very reason goes to the root of the necessity of proposing this change. If times are difficult, and if section 144 is likely to be used more in future, the abuse is likely to be more in the future. Section 144 has been on the Statute-book for a very long time and I am sure that for a long time even the lawyer never heard anything about it, the reason being that it was seldom invoked. The abuses have only come in since that section has been applied indiscriminately in many cases. I submit, Sir, that the proposition before the House is a very simple one and there is no reason why, if the Bill goes to a Select Committee,—there are officials on the Select Committee as well as other gentlemen whose views differ from those of the Honourable the Mover—its members cannot make provisions by which they can stop further abuse of the provisions of section 144 and thus control all those people who by their indiscreet actions do a lot of harm to the prestige of the Government and to the peace of the country.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock. Mr. Deputy President in the Chair.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : I am really surprised to find my lawyer friends getting up to oppose this motion of my Honourable friend Mr. Gaya Prasad. It is a very innocent motion. Those who have been in practice in the law courts know the difficulties they have to meet when they appear in cases under section 144. It may be all right for laymen to advance views, which I would say, are all based on inexperience.

Mr. K. Ahmed : What about Aminabad ?

Mr. Muhammad Azhar Ali : My friend knows very little about Aminabad Park.

Mr. Gaya Prasad Singh : What does he know about anything ?

Mr. Muhammad Azhar Ali : I know more about it than my friend. It is not a question of Aminabad or Cawnpore or Chittagong or any other place. It is a question of law and this subject is only for those who have experience of the law courts. It is for them to discuss it from legal point of view. My submission is that in this motion Mr. Gaya Prasad simply wants safeguards and that evidence should be duly recorded. Nothing more than that. If there is a provision for an appeal, I would say that no sensible man in this House can say that it would in any way endanger

[Mr. Muhammad Azhar Ali.]

public security or human life. Now the proposed new sub-section 3A says :

“ Notwithstanding anything hereinbefore contained, no order under this section shall be made by a Magistrate so as to restrict the right of any person or persons to convene, attend, or take part in any public or political meeting, association, procession or other demonstration, unless the Magistrate finds on evidence duly recorded ”, and so on.

The words “ evidence duly recorded ” mean nothing more than evidence on oath. Now any person can come forward and make a statement and he gets off without punishment, if the charge proves to be false. Thus, I ask my friends, if it is proper that a man should be allowed to make absurd statements which he cannot substantiate and then get away without being punished ? My lawyer friends know very well that it is not justice to allow that sort of thing and what do we find in practical experience ? When an application is lodged under section 144, although the Act says that it is the District Magistrate who should administer justice, his powers are generally delegated to Deputy Magistrates and Sub-Divisional Magistrates. If the matter were exclusively in the jurisdiction of the District Magistrate, he being a man of experience he could be relied upon to some extent to administer justice properly. It is only those who have practised in the law courts that know that these matters always go in to the hands of Deputy Magistrates, Sub-Divisional Magistrates and even honorary Magistrates for the matter of that. If you study this question in that light, you will find that justice is not properly administered. Now, when the matter goes before the Deputy Magistrate or the Sub-Divisional Magistrate, what happens ? He generally asks for a police report. I am told that he always asks for a police report. When the matter goes before the police, do you expect even-handed justice ? The House knows very well how difficult it is to know on what evidence the police base their report.

I do not want to look at this question from a communal point of view at all. Whether the parties concerned are Hindus, Mussalmans, Parsis or Christians, the matter is entirely in the hands of the police who can report either this way or that way. The report of the police carries a very great weight with the Deputy Magistrate when he makes an order under section 144. This is the actual state of affairs which I want to place before the opposite side of the House. I want to discuss this subject only from the legal point of view, and I trust that my lawyer friends will enlighten the House about their personal experiences of cases under section 144. This Bill is only intended to amend one section of the Criminal Procedure Code. Now, Sir, in cases of riot or affray, if an application is lodged under section 144 and the police report is obtained and the Magistrate has made an order, what is the harm in making provision for an appeal to the Sessions Judge ? The order will be there, but where is the harm in giving a right to my lawyer friends who could say that there would be a greater chance of making money if there was an opportunity for an appeal ?

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Probably it is for this reason that you want this amendment, namely, that there will be more riots if this amendment is made and you will make more money ?

Mr. Muhammad Azhar Ali : If my Honourable friend, Sir Muhammad Yakub, had ever dealt with a case under section 144, he would not

have said that. It is not because we want to make money but in order to obtain justice from the hands of a court of law that we ask for this. (Cries of "Hear, hear".) Then, Sir, there is a provision by which, as my Honourable friend, Mr. Hoon, has said and as has also been remarked by my Honourable friend, Mr. Gaya Prasad Singh, this *ex parte* order may remain for 48 hours or it can be extended to any amount of time, but there is no specific sub-section added to this section, and therefore Mr. Gaya Prasad Singh has put it as a proviso that no *ex parte* order should be passed by Magistrates in such cases without evidence being duly recorded. Now, Sir, when evidence is duly recorded, it is this evidence which can go up to appeal, but in cases where there is no evidence duly recorded but merely an order, what am I to take to the court of appeal—simply an order of the Magistrate or the police report? Then it is very difficult for me to expound my case, to explain before the Sessions Judge or any court of law what I am to argue my case upon, unless there should be at least duly-recorded evidence. It would of course be one-sided evidence, but something at any rate to show that we have come with some record in our hands. Then, Sir, the Bill says :

“(2) after sub-section (6) the following sub-section shall be inserted, namely :

“(7) An appeal shall lie from an order passed under sub-section (6) to the Court of Sessions.”

Now under this section no order shall remain in force for more than two months from the making thereof unless there is a danger to human life or the likelihood of a riot and so forth, when the Local Government may by notification otherwise direct. Then there is already a provision in the Act itself saying that for two months the order should remain in force. Now where is the harm, if an *ex parte* order remains in force for a longer period than 48 hours? I do not see that there is any great change in the section, but it is a very salutary amendment which my friend, Mr. Gaya Prasad Singh, has put forward, and I give my whole-hearted support to the motion.

Mr. F. B. Leach (Burma : Nominated Official) : Sir, the Honourable Member who spoke before lunch, Mr. Hoon, accused all the Members on these Benches who have failed to support this Bill of not having studied it with sympathy. (*An Honourable Member* : “Care and sympathy.”) Well, Sir, I do not know what meaning the Honourable Member attaches to the word “sympathy”. My experience shows that it is a much-abused word. There are a large number of people who call any kind of objection or any kind of criticism of their own point of view unsympathetic. Not knowing exactly what the word “sympathy” connotes to the Honourable Member, I cannot say for certain whether I have studied the Bill with sympathy, but I can certainly claim to have studied it with a good deal of care ; and there are, in spite of the speeches that have been made in favour of the Bill, one or two points in it which are still not clear to me. The Honourable Member on my left who criticized the Bill has pointed out that it would be extremely difficult to limit the meaning of the phrase “political meeting”. But I would like to point out that the wording of the Bill goes even further than that. It says “any public or political meeting, association, procession or other demonstration”. Well, Sir, I can hardly imagine any wider phrase than “any public demonstration”, which would cover any kind of meeting or any kind of procession or any kind of public function that one can imagine. Then there is the phrase

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which has given rise to a great deal of discussion, "evidence duly recorded". In a large number of the criticisms in the printed papers on this Bill it is pointed out that "duly recorded" is not a phrase which is found in the Criminal Procedure Code and that the meaning attached to it is very doubtful; and the Honourable Member who has introduced this Bill has not explained the phrase, anyhow in a way that I am able to understand. If it means the evidence of independent witnesses, it is I think obvious that it would render the provisions of the section completely nugatory in any case of real emergency where immediate action had to be taken. If it does not mean that, it appears to me that any Magistrate could get round it by merely putting the police officer who came to tell him that a riot was likely to take place on oath or affirmation and rapidly scribbling down in a few words what he had to say. The provision would thereby be made almost useless. Then the meaning of the first proviso is difficult to me. The main part of sub-section 3 (a) states that no order shall be passed unless the Magistrate finds on evidence duly recorded and the proviso says that no *ex parte* order shall be passed in such cases without evidence duly recorded. Well, if no order of any kind can be passed without evidence duly recorded, I do not see the object of a proviso to say that no *ex parte* order can be passed without evidence duly recorded. That however is a minor matter which, if the Bill does go to a Select Committee, no doubt the Mover will be able to explain.

I think therefore there are considerable objections to the Bill from the drafting point of view; but these objections are small compared with the objections to it on principle. As has been repeatedly pointed out, section 144 is intended to deal with sudden emergencies, and it is quite obvious that in dealing with sudden emergencies immediate action must be taken. One objection that was pointed out by the last speaker was that in many cases action under this section is taken not by the District Magistrate himself but by his subordinate Magistrates. The Honourable Member who introduced the Bill quoted three or four instances, one of which unfortunately happened outside British India, but he did quote three or four instances where the provisions of this section have been misapplied. It was not quite clear, however, what was the status of the Magistrates who took action in these particular instances. I would suggest to him that if he distrusts the subordinate magistracy, most of whom are Indians, he might suggest an amendment to the Code by which action should be restricted to the District Magistrate himself. That would perhaps be sufficient. But that the present state of India does need some provision for immediate action in cases of real emergency, is a fact which, to the mind of any man who will face the facts, admits of no doubt. And I am afraid it is going to be a very considerable time before a section of this kind is not needed. In this opinion I am supported by an Indian retired District and Sessions Judge who, in his opinion on the Bill on page 14 of Paper No. 1 says that, "Even under Swaraj such a provision will be absolutely necessary".

Mr. Gaya Prasad Singh : We will then enact it. That is all.

Mr. F. B. Leach : The Honourable the Mover says that he will then enact it. I would suggest to him that it is hardly worth the trouble of repealing or amending the provision now if he admits the probability of its being necessary even under Swaraj, and I think this admission rather

weakens his argument that it is not necessary at the present moment. (Hear. hear.)

Sir, the Honourable the Mover has found extremely little support for his Bill in the provinces. He has, of course, dismissed as not worth considering the opinions of executive officers. But he has not made a very good case to meet the fact that practically all, or at least the great majority of the Judges of the High Courts have condemned the Bill. He has tried to make out that one or two Judges have approved of it. One of the Judges whom he quoted as approving of it ends his remarks by saying :

“ The words ‘ public or political meeting, association, procession or other demonstration ’ are so wide that they would delay prompt action by the Magistrate in innumerable cases in which probably even the proposer would consider prompt action essential.”

I do not know how the Mover of the Bill can hold that that Honourable Judge is in favour of his Bill.

One of his points, of course, is that the provisions of this section have been misapplied. Sir, I quite admit that the provisions of this section may have been misapplied. I should be interested to hear the Honourable Member's opinion whether there are any of the more commonly used sections of the Indian Penal Code and the Criminal Procedure Code which have not been misapplied pretty frequently. I have a fairly long experience myself as District Magistrate and Sessions Judge when I had to take up criminal cases of Subordinate Judges on appeal and revision. If every section of the Indian Penal Code which has been misapplied in my own experience was going to be repealed or amended, there would not be much law left in this country. I submit that the proper action when the law is misapplied is not to rush in and alter the law, but to instruct the Magistrates and, if necessary, to deal with the Magistrate who misapplied it. Surely that is a commonplace in any country. In all countries law is misapplied in certain instances. We are all, I suppose, familiar with the criticisms that have frequently been made on what are disrespectfully called “ the great unpaid ” Magistracy in England. There is one particular paper which used (it has discontinued it now) to put down side by side too severe and too lenient sentences by the Magistracy on different kinds of offences. One kind of offence which was very savagely dealt with at one time by a good many Magistrates was an offence against the motor laws. But I do not think that anybody would suggest that because a certain number of County Magistrates were fond of inflicting the maximum penalty on everybody who exceeded the speed-limit, it would therefore be a good thing to repeal all the motor laws and to allow every road-hog to go along the roads at any pace he liked. That appears to me to be analogous to what the Honourable the Mover of this Bill wishes to do.

The Honourable the Mover has held up to obloquy, as an example of executive officers, an unfortunate Commissioner in my province who dared to suggest that in his opinion there was a political motive behind this Bill. Well, Sir, he did not mention the fact that exactly the same suggestion is made by an Indian pleader in Assam who has given a very long opinion on the Bill in which he has discussed the origin of the section from the year 1861. On page 44 of Paper II this gentleman says :

“ Mr. Gays Prasad, by this amendment, wants to legislate for the benefit of the political agitators by giving them free scope to follow their own avowed policies against the Executive Government unfettered by the order of a magistrate under section 144, Criminal Procedure Code.”

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Sir, it is not merely the opinion of the sun-dried bureaucrat that there is a political motive behind the Bill—of course, I do not suggest that there is.

Sir, this section of the Criminal Procedure Code was amended as recently as 1923. Provision was then made for revision of orders passed under this section by the High Court or by the Sessions Judge, which did not previously exist. I do not think, therefore, that the provision for appeal will really add much to what was inserted in the Code in 1923 and that, I may say, is the opinion of the majority of the Judges of the High Courts who have commented on this Bill. I would ask the Honourable the Mover whether he seriously considers that there has been so much change in the atmosphere of this country in the last eight years as to justify further amendment of the provisions of the section which was considered by a very distinguished and representative Committee in that year to be still necessary in the interests of the preservation of peace in the country. Personally, I cannot see that there has been any such marked change in these eight years.

There is one other point which I should like to mention. We are constantly being asked when Ordinances are passed or when special legislation is proposed as, for instance, yesterday in the case of the Press Bill, why Government cannot utilise the provisions of the ordinary law and why it is necessary to introduce special legislation or to promulgate Ordinances. Well, Sir, if the ordinary law is to be tampered with merely on

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the ground that it has in a small number of cases been abused by particular Magistrates, it is perfectly obvious that every year it will become more and more impossible to preserve order through the ordinary law, and more and more necessary to pass special legislation. I cannot conceive of anything more disastrous in any country than to weaken the ordinary law to such an extent that it is constantly necessary to pass special legislation. In the province from which I come, as Honourable Members are aware, rebellion has been going on for the last eight months. Until about a month ago we managed with great difficulty to deal with that rebellion without any special legislation. One of the provisions of the ordinary law which has been found most useful in Burma during recent months has been this section 144, Criminal Procedure Code. It has been used constantly in every district and has had the most beneficial effect in the prevention of further violence. I can say without very much hesitation that if it had not been for this section and for one or two other similar preventive sections in the ordinary laws of the country, it would almost certainly have been necessary to proclaim martial law in Burma a good many months ago, and that would have been very much more drastic than the retention on the Statute-book of this section as it stands. I hope Honourable Members on the other side will consider this point, that it is necessary in every country to have a reserve of power in the hands of the executive, not to be used every day, but only to be used on rare occasions, but if that reserve is not there, occasions will happen and a demand will arise for emergency powers, and if the emergency powers do not exist, the only thing Government can do is to promulgate emergency Ordinances and possibly in certain cases have recourse to martial law. I cannot help feeling that a strong law is better than a weak permanent law and perpetual resorts to emergency legislation.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I rise to make a few observations on this Bill. I must say straight away that I am in favour of this Bill being sent to Select Committee. This section is too wide in my opinion and it gives too wide powers and provides too wide a method for using those powers. In common parlance this section may be described to give powers which are nothing less than blank cheques into the hands of the Magistrates to use. This section has two aspects, one that it gives powers which are very wide to the magistrates and the other that it provides a method for the use of that section which is still wider. Before I read that section to the House, I must say that I have not heard a single Member say that the power portion of this section should be done away with or curtailed. It is only the method, in which those powers are used, that is being objected to or is being asked to be amended from this side of the House. I do not think Honourable Members on the other side should object to this Bill going to Select Committee. I have heard from Benches opposite that there are difficulties in the way of adopting any other method than the one that is provided by the Act. I do not admit it. I submit section 144 of the Criminal Procedure Code provides that :

“ In cases where, in the opinion of the District Magistrate, a Chief Presidency Magistrate, Sub-divisional Magistrate, or any other Magistrate, (not being a Magistrate of third class), specially empowered by the Local Government or the Chief Presidency Magistrate or the District Magistrate to act under this section provided there is sufficient ground for proceeding under this section and immediate prevention or speedy remedy is desirable. Such Magistrate may, by a written order stating the material facts of the case and served in manner as provided for by section 134, direct any person to abstain from a certain act.”

These powers are given not in cases of emergency only but a distinction has been made in paragraph (2) of the section that in cases of emergency such orders may be passed *ex parte*. The section therefore comprises cases of emergency and other occasions where there is any fear of breach of peace or other disturbance. I submit that the Mover of this motion, however, does not want those powers to be taken away. Why should not therefore an amendment be passed which only deals with the method of enquiry preliminary to the passing of the orders by the magistrates ? The lawyers know full well how this section is used. What is asked is only that some better course should be adopted which is required by fundamental principles of jurisprudence, namely, that such drastic orders, as are provided for by section 144, Criminal Procedure Code, should be passed after some caution. That is the long and short of what is wanted by this Bill. Let us see how orders are passed at present. I have some experience of this. A Sub-Inspector goes to a Sub-Divisional Magistrate, or even to a second class Magistrate and whispers into his ears, or places some police report before him, that there is something horrible going to happen. Magistrate hears him or takes his statement, makes an order on such material only and sends it down to his office. The order is then served in the manner as is provided by section 134 by way of serving a summons. It is, Sir, only after this procedure is followed that the order restraining the assembly or a particular man from doing a particular action functions. Now, I ask what time would be required for all this ? There will be some good space of time required. Where therefore is the haste that the Magistrate should not even wait to take one or two witnesses on oath ? It is known to the Honourable Members that the law does not require a number of witnesses. Section 134 of the Evidence Act provides that the

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Magistrate may be satisfied on a matter by examining only one or two witnesses. Therefore what this Bill aims at is only to provide that some legal and independent evidence should be taken to make the order legal. What objection therefore can there be to this amendment? I submit that in making that order the Magistrate will have only to take down some witnesses and it will be easy for the Sub-Inspector or Inspector, whoever it may be, if there is truth in the report, to bring one or two independent and respectable witnesses and have the order passed. It cannot certainly be urged that there is always an immediate danger of riots taking place. This section aims also at apprehended riots that may take place even after a week. Therefore why is it that the very first principle of jurisprudence is being denied to the public?

Now, Sir, an Honourable Member opposite, who seemed to hold a brief for the District Magistrate, said that this order can be better made by a District Magistrate than considered in appeal by a Sessions Judge. because, as I understood him, he meant that the Sessions Judge will only sit in his office, read the evidence and pass the order; but what does the District Magistrate himself do? I know how the District Magistrates pass orders. I have seen District Magistrates sitting within the four walls of their offices when the Sub-Inspector appears and gets the order passed. The real difference, however, between the two is that the District Magistrate makes the order only on the word or the rumour that has been heard by the Sub-Inspector, whereas the Sessions Judge in appeal would consider the order judicially. He must consider the evidence that is before him. But what evidence will he consider? That is the point with me. The section requires that he should have the material facts placed before him to make the order, but what material has he got at all? On this point I will read to the House the opinion of one of the High Court Judges. It has been said to-day from the opposite Benches that the High Courts have all said that this Bill should be rejected.

Mr. F. B. Leach : I said the majority of them, not all.

Mr. Lalchand Navalrai : I do not find that even the majority have said that. I was saying that the High Court Judges do recognise that there is no material before them in their revisional jurisdiction to consider such an order. If that is so, are you still of opinion that this Bill should not be sent to the Select Committee or even considered there? I am reading from page 3 of Paper I which contains the opinion of the Honourable Judges of the United Provinces. One Judge says :

“ Although an order passed under section 144 of the Criminal Procedure Code is open to revision by the High Court, usually there would not be any materials before the Court on which it can pronounce any opinion.”

Can there be any stronger statement than this to justify my remark?

The Honourable Sir James Crerar : Will the Honourable Member kindly read through the whole of that opinion?

Mr. Lalchand Navalrai : I will, but that is not pertinent to the present point. My point is that there is no material before the Court to come to a decision.

The Honourable Sir James Crerar : The point of the Honourable Judge is that in urgent cases it would not be possible.

Mr. Lalchand Navalrai : I am reading that portion of the opinion of the Honourable Judge :

“ It would therefore be desirable that there should be some material on the record to indicate why the Magistrate issuing an order under section 144 of the Code of Criminal Procedure has done so.”

I am submitting, therefore, that there are no materials upon which I can call it a judicial order. If you call it a judicial order and want to give it a colour of having been passed by a Magistrate, I submit the fundamental principle of law must be followed, otherwise the order is illegal. But if the House is of opinion, at least the Members on the opposite Benches are of opinion, that this should not be considered a judicial order at all, then you can proceed in this way. Leave it to the executive, the Sub-Inspector or the Inspector or the Superintendent of Police to make such an order. I therefore submit that this amendment that is being asked for is very modest and absolutely reasonable.

Sir, when a provision is made in a Code it depends upon the officers that use the provision. Now, it was said that some of our Indian District and Sessions Judges have made certain observations to the effect that this Bill should be rejected. But, Sir, I make no difference between an Indian or a European Judge. In the first place, however, I must say that the provisions of this Act have so degenerated that the power is in certain parts of India in the hands of the Assistant Superintendents of Police, and I am justified in this remark by this note in the Criminal Procedure Code :

“ The law in sanctioning the power under this section is careful to provide that it shall be committed only to Magistrates whose discretion is presumably guaranteed by their responsible position or by selection.”

Then how has it been whittled down ? The note proceeds :

“ In the Punjab and in Upper Burma all Magistrates of the first and second class have been empowered to act under this section. In Bombay these powers have been conferred upon Assistant District Superintendents of Police.”

This is how the Act is being used. Then I have my own experience on this point, how young Civilians use this provision and how they are invested with these powers. A young Civilian comes out from England and remains an apprentice under a Sub-Divisional Magistrate for six months and within these six months he also passes the departmental examination

Mr. J. F. Dyer : That is not a fact. No Magistrate can become even a first class Magistrate under one year's service.

Mr. Lalchand Navalrai : What I am submitting is that the new Magistrates that come are placed under a Sub-Divisional Magistrate for six months. Before that time they may have remained in some obscure corner of India ; but after undergoing this six months' training and passing the examination, they are full-fledged Sub-Divisional Magistrates and these youngsters pass the orders under section 144, Criminal Procedure Code, in the way we know.

Mr. K. Ahmed : But now-a-days, you have got your Indian Magistrates at least 80 per cent. What is the use then ?

Mr. Lalchand Navalrai : So long as he is under this present constitution he is no better than an European Judge. Better times will come and there will then only be improvement in both.

Mr. A. H. A. Todd : In your account of the progress of the young Civilian, are you speaking of a particular province or of all India ?

Mr. Lalchand Navalrai : I have certainly personal experience of my own province.

Mr. A. H. A. Todd : I do not think that can be applied to all provinces.

Mr. Lalchand Navalrai : Why should it not ? I do not think the material is different in other provinces.

Mr. H. Montgomery (Bombay : Nominated Official) : The Honourable gentleman is certainly wrong in the case of his province and the sub-province of Sind.

Mr. Lalchand Navalrai : I do not think my portion of the province, as I should call it, is different in this respect from Bombay ; the youngsters recruited in Bombay are similar to those recruited in Sind.

Mr. H. Montgomery : The Honourable gentleman is wrong as regards the province of Sind.

Mr. Lalchand Navalrai : Anyway I have got experience of Bombay too. To continue, I submit it cannot be denied in the least that this section 744, Criminal Procedure Code, is being misused. As I understood the Honourable Member opposite said that there are several laws being misused and what if this is misused ? I think if his argument is that, then I ask what is the use of amendments and corrections being made in law ? If it is found that any Act is being misused, correct it in the proper manner. That is the responsibility of the Legislature.

Mr. J. F. Dyer : I did not say that ; what I said was that even Judges were liable to make mistakes.

Mr. Lalchand Navalrai : Not you, Sir, it is the Honourable Member on your right. In this respect, this section is being misused and this opinion is supported again by the opinion I read in paper No. 1. The Honourable the Home Member said that I was reading only portions of the opinion, so I shall read the whole :

“ The proposed amendment manifestly, though I do not of course say intentionally, deprives the Magistrates of power where promptness in many cases is essential in the public interest.” (“ Hear, hear ” *from the Government Benches.*)

There will be a reply to that “ Hear, hear ” also. The learned Judge proceeds to say :

“ The section as it stands is open to abuse and the instances quoted indicated that it has been sometimes improperly used, but the number of those instances is probably negligible.” (“ Hear, hear ” *from Government Benches.*)

It is really not negligible from my point of view and from the experience we have had of it. The aforesaid opinion cannot be said to be the last word on that point. My point at present is to draw attention.....

Mr. F. B. Leach : I thought the Honourable Member said he was going to read the whole of the Honourable Judge's opinion ; he has not done so.

An Honourable Member : What is the use ?

Mr. Lalchand Navalrai : I do not think there is any use in it, because on the opposite side, the Honourable Members are determined to assume that the majority of the Judges are against this Bill. It is no use reading the whole ; I am reading only those portions that agree with my arguments. (Laughter from the Government Benches.) I should not be in the least misunderstood ; that I am reading those points only which agree with my arguments but those portions which support my point of view ; they may say that they reject the Bill but the reasons they have given are in my favour ; therefore I am reading the reasons only.

I was submitting that this section has been abused. What is asked in this Bill is nothing more and nothing less than the sound principle of law, that evidence should be admitted before an order is made, should be introduced into the Criminal Procedure Code by amending this section. This Bill, as drafted, does not require that section 144, Criminal Procedure Code, should be done away with or abolished altogether. It only requires that in certain cases precautionary measures should be taken for allowing evidence to be recorded. I have already shown that there will be no difficulty in taking down that evidence ; but if Honourable Members think that in certain cases of emergency there would be difficulty and that the Magistrate would have no time to take evidence, then that is a matter of detail and can be urged in the Select Committee and some provision made on that point. What is asked here is that in certain cases where it is going to apply to a public or political meeting or association or procession or other demonstration, unless the Magistrate finds on evidence duly recorded that such direction is necessary, an order should not be passed. Now, the word "duly recorded" is also found fault with. I submit that is also a matter for the Select Committee. But evidence should be taken to make the order judicial ; and it will mean two things ; that there will be confidence in the public mind that this order has not been made on a mere fanciful report or a fanciful rumour. And secondly, that the revisional court, if not the appellate court, will also find material for passing just orders. Why should not that be done ? I think if an amendment like this is opposed, it means that the Government Benches only want that there should be a rule by executive orders only in India and not by judicial orders.

The second part of the Bill asks that an *ex parte* order in such cases should not be passed without any evidence and that no such order if made *ex parte* shall remain in force for a longer period than 48 hours. If Members on the opposite side think that 48 hours is too little a time, it can be extended by another 48 hours ; and an order may be passed if the danger still continues. Why should you find fault with this ? But if any more time is needed, as my Honourable friends on this side have said, that can also be extended in the Select Committee.

Coming to the question of appeal, what is being asked is that an appeal should be allowed on such matters as are contained in this Bill. Formerly there was no provision even for revision. In 1923 a Bill was introduced and revision by the High Court was allowed. But the High

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Court Judges themselves said, as I read the judgment of one of the Judges, that they have no materials to decide the matter upon. If an appeal is allowed, the Magistrates will be more careful to see that all the materials are made available, and therefore this principle of appeal is a very sound one. I therefore feel, Sir, that the Honourable the Member of this motion is not trifling with the provisions of the Criminal Procedure Code as hinted by one of the Honourable Members opposite but he wants that justice should be done and the Magistrates should decide matters in a proper and judicial manner.

Some Honourable Members : The question may now be put.

Mr. H. Montgomery : Sir, I rise to oppose the measure. It is no doubt quite natural that the politically minded elements of the Indian people should desire some safeguard against the abuse of this section. My chief objection to the less impracticable portion of this Bill is that it is not well adapted to its object. It provides that, in connection with political activities, orders under this section should be passed "on evidence duly recorded", and that requirement, I would observe, applies also to the *ex parte* order, a point which I think one of the Honourable speakers on the other side did not realise. Now, such orders are almost of necessity passed *ex parte* in the first instance. The evidence intended would therefore presumably be the evidence of those persons who believe that the order is necessary. I pass over the obvious practical difficulties of recording such evidence in cases in which the *immediate* issue of the order may be of vital necessity. That point has been fully dealt with by other Honourable speakers on this side of the House. But apart from this consideration, who will those persons in actual practice be—the persons whose evidence has to be recorded in the first instance? Officers of the Police Department; subordinate officers of the Magistrate himself—those, probably, upon whose reports the Magistrate will already have formed his opinion that the order is necessary. Possibly a few non-officials who are sufficiently independent to withstand the force of social pressure and excited popular opinion.

Mr. A. Hoon : Fourth class of the tale carriers.

Mr. H. Montgomery : Is there any Honourable Member of this House who really believes that the formal recording of such evidence will afford any substantial safeguard against the possible abuse of this section? Will it afford any safeguard.....

Mr. Lalchand Navalrai : Yes.

Mr. H. Montgomery : Will it afford any safeguard more ample than that provided by the existing law, which requires that the Magistrate shall express in the order itself the reasons upon which he has formed his opinion?

But, it may be said, the intention is that the evidence must necessarily be recorded on *both* sides. No, it does not appear that this can be the intention, since the Bill clearly contemplates the issue of an *ex parte* order, though it limits the period of such an order's validity. I would therefore, submit, Sir, that the formal recording of evidence at this stage affords no safeguard at all, that it will be a mere formality, that the provision is ill-adapted to its object and totally unnecessary.

Well, at any rate, it will be urged, when the stage is reached for hearing objections to the order, then at any rate it is necessary that evidence should be formally recorded. Personally, I can appreciate the value of argument at that stage; by reasoning the Magistrate may no doubt be led to change his mind. But I can see no value or utility whatsoever in recording the opinions of a number of persons that, "such a situation does not exist", "such developments are not likely to supervene". In these matters, as has already been pointed out, the Magistrate has a responsibility to the whole of the public; it is not a question of weighing negative against positive opinions in a pair of scales.

However, I cannot see how, in the eventuality of this Bill becoming law, that stage can ever be reached. And this point brings me, Sir, to the discussion of what I consider the impracticable part of this Bill,—namely, proviso (B). Is it really the proposal of the framer of this Bill that the validity of orders under section 144 should be limited to 48 hours? I anticipated some protest from my Honourable friend. What he expressly proposes, of course, is to limit the validity of *ex parte* orders only. And in whose power does it lie to ensure that an *ex parte* order shall not remain *ex parte*? So far as I can see, it does not lie within the power of the Magistrate. The existing law provides, indeed, for the appearance of objectors before the court and the hearing of their objections; but such appearance would seem to depend solely on their volition.

Oh well, it may be rejoined, the intention obviously is—I wish to consider the Bill "sympathetically",—the intention obviously is that the Magistrate should, when he issues his *ex parte* order (after formal recording of the evidence of his subordinates), issue a notice to objectors, or the parties concerned, to appear and urge their objections within a stated period. Incidentally, it may be observed, where the order is addressed to the public in general, he may find it a little awkward to have such a notice served upon the public. A general notice to the public in general is a notice to nobody. However, there is no provision to this effect contained in the Bill. But even if we suppose that the Magistrate follows this suggested procedure, who is going to comply with his notice? Is there any probability that any one will comply with his notice (save and except in that limited class of cases in which the order applies to a single definite occasion having its occurrence within the ensuing 48 hours)? Apart from that contingency, why should any one comply with a notice to lodge objections against an order which, in case the notice is simply ignored, will automatically lapse at the end of 48 hours? One is tempted, Sir, to suspect that the Honourable and learned gentleman, when he framed this Bill, allowed himself to be carried away by a cynical humour! In my view, Sir, this Bill is comprised of an unnecessary provision, an impracticable provision, and a misprint.....

Mr. Gaya Prasad Singh : Which one?

Mr. H. Montgomery : The provision underlying the misprint has already been dealt with by the Honourable Member who spoke first against this motion. It seems to me, Sir, that the Bill is hastily concocted and ill-digested. It has been greeted with a sympathy of condemnation from the provinces and it is not worthy to exercise the serious consideration of this House. (Applause.)

Mr. K. Ahmed : Sir, on the floor of this House an internecine warfare is being carried on between the Treasury Benches and my Honour-

[Mr. K. Ahmed.]

able friends opposite over the Bill of my Honourable friend Mr. Gaya Prasad Singh, who has been impelled by political reasons to bring forward an amendment of section 144 of the Criminal Procedure Code. That section has been in vogue since 1898. The Criminal Procedure Code, of which this section forms a part, was revised as recently as 1923, and the predecessor of my Honourable friend Mr. Lalchand Navalrai in this Assembly, I mean the late Mr. Harchandrai Vishindas, took part in the passing of that measure.

Mr. Lalchand Navalrai : How many years have passed since then ?

Mr. K. Ahmed : After his death, his successor did not move any amendment of this section, and the late Principal Shahani, who came to this House later, did not move either, and my Honourable friend Mr. Lalchand Navalrai came to this Assembly only about ten days ago.

Mr. Lalchand Navalrai : I have been in this House for three years before.

Mr. K. Ahmed : And in those three years my Honourable friend never thought of any amendment of that section, till his political mind has been recently prejudiced. That being the position, I submit that this suggested amendment is due to the poisoned mind of my Honourable friends on account of political reasons.

My Honourable friend Mr. Gaya Prasad Singh, who has been a Member of this House since 1924, has been misled into bringing a piece of legislation like this.

First of all, I should like to impress on the House what is section 144. That section is applied only by Magistrates of the first class and not by any Honorary or Sub-Deputy Magistrates of the 2nd or 3rd class. Magistrates with a ripe experience and knowledge of law, such as a Sub-Divisional Magistrate, a Presidency Magistrate, or a Magistrate of the first class, are only allowed to apply this section. I ask my friend Mr. Azhar Ali, who was responsible for the Aminabad Park affair ? If a disorder takes place wherein the heads of my Muhammadan friends are smashed, people will have to run to their representatives in the Legislature and say, "Look here, our heads have been smashed for political reasons, and what will you do in the absence of a provision like section 144 ?". Will my Honourable friend take the brief from them and appear for them without any remuneration and argue the case before the Magistrate ? Come to Cawnpore again. Look at the old massacre, and think also of its present history. Sir, this section is not a punitive law ; it is a preventive measure. When your head is going to be smashed and your properties are going to be looted by your neighbours, or when your granary or your iron chest is being taken possession of forcibly, would you say that that must take place and this section should not be utilised ? (*An Honourable Member :* "Who says so ?") Supposing the Pir of Pigaro is taking possession of your wealth forcibly, will my Honourable friend Mr. Lalchand Navalrai come and say that evidence ought to be taken whether the action of the Pir is really against the law ?

Mr. Lalchand Navalrai : It will take no time.

Mr. K. Ahmed : Then my Honourable friend will come forward, examine, cross-examine, and re-examine. (Laughter.) After that the other side pleader, say Mr. Hoon who comes from Cawnpore, will say, "I have got a cogent case. This land on which this House is standing, on which there is this iron chest, does not belong to my friend's client". You want evidence to be taken and the question of legality or illegality of the order decided. Now, my Honourable friend Mr. Gaya Prasad Singh wants this amendment for political reasons. Politics is not the only thing that matters in the life of a nation. There is business and trade and other things and Government must keep peace and order in the country. If you go on taking evidence after evidence and moving the High Court, the beneficial effect of this section 144 will be gone. This section has been on the Statute-book from time immemorial. Now, my learned friend Mr. Azhar Ali supported the Bill. He was supporting this Bill simply because his name has been put on the Select Committee. His colleague took part in the discussion of the Criminal Procedure Code in 1923 and no objection was taken then to this section. I see that Diwan Bahadur Rangachariar is not here. I am sure if he were here he would have opposed it. Mr. Navalrai has already spoken on this measure and I trust that my friend Syed Murtuza Saheb Bahadur will follow me. I see, Sir, it is already getting on to 4 o'clock. What is the use of wasting the time of the House and that of the Government Members on the Treasury Benches? What is the use of my friend wanting to proceed with this measure when so many opinions are against his Bill? All the Magistrates and heads of provinces have opposed this measure unanimously. Mr. Navalrai quoted only those opinions which were in his support and left out the opinions which went against him. Now, Sir, this Bill says :

"Notwithstanding anything hereinbefore contained, no order under this section shall be made by a Magistrate so as to restrict the right of any person or persons to convene, attend or take part in any public or political meeting." and so on.

Now the object of my friend is political in bringing forward this motion. Now, the application of this measure is made for many other reasons than for merely political meetings, processions and demonstrations. This is also intended to secure the safety of person and property. Now a young boy stands up in a debating club and makes a beautiful political speech. And that will be the essential

4 P.M.

object for which this amendment is to take place? Certainly not; because there are so many beneficial objects stated in the section and if these objects are not achieved, is my Honourable friend doing any service by moving this legislation to amend section 144? Certainly not. Now, Sir, I do not want to weary the Members of this Assembly. I vehemently oppose the measure, and for the reasons brought forward for his consideration, I hope he will stand up and withdraw this measure, because he already, I think, knows that he will not get any support; so what is the use of spending and squandering the valuable time of Honourable Members? Sir, life is too short, and we ought to make room for more precious measures. Sir, in these circumstances I oppose the Bill.

Some Honourable Members : The question may now be put.

Mr. C. Brooke Elliott (Madras : European) : Sir, I have been reading lately in a certain book, "Let thy words be short",—and they

[Mr. C. Brooke Elliott.]

will. Sir, I am not quite sure that I am entitled to speak and vote on this Bill, (*Several Honourable Members* : "Why not?") because, Sir, I have a direct pecuniary interest in it like every other member of the Bar. Sir, if I spoke as a cynical lawyer, I should say that section 144 has prevented a number of riots which would have brought considerable grist to the legal mill. Logically, therefore, in self-interest, I should vote for the amendment. But, Sir, as a practical man, in actual practice I know that, though theoretically the Opposition are right, practically, they are wrong. Every lawyer naturally wants evidence recorded, "duly recorded", and a long string of authorities spring up as to what the word "duly" means and the word "recorded" means; but, to us as practical men, this section has stood the test of time and has not been worn threadbare. Sir, I remember one or two cases in which it has not been wisely used; it might even be said it has been abused; But, Sir, what is the High Court for, except to correct occasional abuses? And I speak here with some knowledge and certainty of the operation of this section in Madras, and I can tell the House that our High Court has in proper cases interfered. I cannot say personally for one moment how a Magistrate is to act. I have never filled that honourable office, and probably never will; but what is a Magistrate to do in an emergency? He has not got a prophetic instinct, highly developed. Sometimes when the Magistrate has issued an order, people say, "What was the good of that order? You see nothing happened". But they should remember that very possibly because the Magistrate made the order, it prevented anything happening, so that he might have been right; (*Cries of "Hear, hear"*.) and it seems to me, as I say, that you cannot gamble with the safety, order, and tranquillity of His Majesty's Indian Dominions and with the life of the public. I quite agree, as I said before, I agree wholeheartedly, with Honourable Members opposite in theory, but I am equally wholeheartedly opposed to them in actual practice (*Laughter*). But though it does go against the legal grain in my fibre, after 37 years in the East, I can only say that it is better that the Magistrate should really exercise his administrative functions by the kind of common sense which he has acquired by actual practice, than that he should be compelled to comply with the subtleties and niceties of some particular form of words.

But, Sir, I come to a more serious point still. God forbid that India should ever have martial law! I think the saddest thing in my life was when in Ceylon in 1915 terrible riots broke out, and I believe that, if then full administrative powers had been possessed and used by the magistracy of Ceylon, things might well have been far happier. Sir, let me tell Honourable Members opposite that if the provisions of this section sometimes are stings, the provisions of martial law are scorpions. There is nothing, Sir, more horrible, more terrible! I have had personal experience; as a humble corporal in the Town Guard, I went right through it all for five weeks and I know what happens when this kind of thing starts sporadically and then infects all within its neighbourhood. And, Sir, it seems to me section 144 is necessary at the present time when political feeling runs high—and I welcome political feeling, Sir, for I am an Englishman who is an Irishman.

(Laughter.) (Applause.) My grandfather in Ceylon once when a crowd of people were approaching the Governor about, I think, the house-tax in the fifties of last century heard that they were coming. He ran out, he stood up on a table, he spoke to these men in Singhalese, and he told them, "do not take steps like these. You will have the soldiery here shooting at you in an hour. Represent your grievances constitutionally, not by a meeting of this kind that might develop into a riot". Then, Sir, the men went away peaceably. But it is only fair to add, Sir, that my grandfather was threatened with a prosecution for sedition (Laughter), and I still treasure among many other valuable family papers a letter containing an opinion given by an eminent counsel in England as to whether, if a prosecution were launched, my grandfather would have been transferred from the Civil Medical Department to another Department of the civil administration. (Laughter.) So, Sir, may I make an appeal to my Honourable friends opposite, those who are honourably learned and learnedly honourable? This law has worked pretty well,—I think you will all agree. Who amongst us is not open to abuse, much less a provision of law? And, having aired these matters, and having ventilated various ferments around us, is it not wiser, is it not better, is it not kinder to our fellowmen, especially the men in the villages and so on who are easily excited—and do not forget, Sir, that in all these cases of riot, not only the guilty are charged but always a number of perfectly innocent men are brought in—is it not wiser to leave the section as it is?

Sir, lately it has come home to me with some force that the payment of fees in some criminal cases is a terrible hardship in these times of depression; and I do think that at the present time—and I do look at this matter with great sympathy, from the point of view of the Opposition too,—on the whole what we have got to remember, what we have got to watch and see, is the general situation. If the matter were very evenly contested perhaps I might give my vote in a slightly different sense; but I do believe that the sense of the House is really, at bottom, against altering this Bill at this time. Sir, Lord Birkenhead, who was a fellow student with me many years ago, once made a remark with which I cordially agree. I do not always agree with all the sentiments of my quondam fellow student, but, Sir, he made a very sound remark, amongst many others. He said, "You never let a bucket down into the well of English public opinion without bringing it up again full of common sense". Sir, India has many wells; and I would like to think, and I do think, that on the whole, if one fairly and squarely tries to see what there is to be said on both sides of the Bill, the bucket let down into the Indian well comes up just as full of sound common sense; and, Sir, if we let a bucket down to-day (Mr. K. Ahmed: "Hear, hear."), and bring it up again—I am glad of the affirmation of my learned friend over there—if we let that bucket down to-day into the well of the minds of our friends, I think you will find that the bucket will come up full of common sense. Sir, in these things you want to get two things, the H. C. F., that is, the highest common factor of agreement, and you also want to get the H. C. S., that is, the highest common sense. I believe, Sir, that, in that light, the House will be wise not to press this Bill further, for I should be sorry to have to go to a division on this issue.

The Honourable Sir James Crerar : Mr. Deputy President, I did not seek to intervene in this debate until at this late stage for several reasons. In the first place, when this measure was under the consideration of the House during the course of the last session, it became my duty to recite with a considerable amount of elaboration the views which the Government of India had held upon the subject and I did not wish merely to repeat them. I did not intervene at an earlier stage for another reason, and that was that a considerable number of Honourable Members on these Benches were here to give to the House the invaluable fruits of their immediate personal experience of the administration of this section. I think that the House, whether they agree with those Honourable Members or not, will nevertheless join with me in congratulating the House on the accession to their numbers of so many new, able and accomplished speakers. (Hear, hear.) Now, Sir, having said so much, I must hasten to add that, though I did intervene, my intervention will be very brief. The practical argument against this Bill have been put forward with an ability and a comprehensiveness which I do not need to amplify. I shall only endeavour to summarise a few of the more general points which appear to me to emerge from the discussion. The Honourable gentleman who moved this Bill in the last session was, I frankly admit, not himself the immediate advocate of obtaining more extended opinions upon his measure. In that he showed, I think a very remarkable measure of prudence. But I think the House showed a still greater prudence in deciding that the Bill should go out for the collection of a more extensive range of opinion than was then available and what, Sir, has been the result? Those Honourable Members who supported him did, indeed, try to make the best of the bad job. They tried to extract from the large body of opinion that has been obtained—very good opinions—a few disconnected passages which seemed more pertinent to their own purpose. But what has the result been? Mr. Ganga Prasad endeavoured to make a very strictly selected anthology of all these opinions as a garland for his infant measure. He complained that the net for these opinions has not been cast sufficiently wide and the views obtained were predominantly official opinions. On that, I have only two things to say. The Honourable Member will recognise that the Local Governments have consulted, besides executive officials, High Courts and Judges such bodies as Bar Associations, Chambers of Commerce, Planters' Associations and others. But it is nevertheless not unnatural that the great body of opinion should come from executive and judicial officers, because I think that, in a matter of this kind, they are what lawyers sometimes call the natural witnesses in such an issue. And what has the result been? I will not emphasise the views which have been expressed by Magistrates and other executive officials. They are before us and I hope the House has read them. We have had the invaluable benefit of the direct expression of those views, the direct recital of arguments, warnings of illustrations, drawn from immediate practical experience, and I think it will be by opinions of that kind that the House will elect to be guided. But it is significant that the great body of judicial opinion is entirely unfavourable to the Bill. *

More than one Honourable Member opposite began his remarks with a preamble, with which we are not unfamiliar, to the effect that they had no desire whatever to thwart the Government in any way from discharging their responsibility to maintain law and order, and that they had no desire whatever to restrict or weaken in any way the means which Government

and their officers have for performing this duty. But having made that preamble, I regret to say that the succeeding part of the speeches was not quite of the constructive character which the preamble promised. Indeed, Sir, if I may use a somewhat childish simile, it reminded me of that expression in a book familiar to us in our nursery days, the promise of jam yesterday and jam to-morrow and never, never jam to-day. (Laughter.)

Another argument which was frequently employed and which I only wish to mention in order to bring it to the attention of the House, because I do not think it will persuade or weigh with the House. It was this. Honourable Members opposite very naturally, and I think very reasonably, felt that if they proposed anything in the nature of abolition of these powers, it would not receive the suffrage of this House. They therefore argued somewhat subtly that what they proposed was really a question of method. Now, Sir, I submit to the House that it is idle to say that you are not depriving Government and its officers of powers. What you propose to do is to place upon those powers such qualifications, such restrictions and such trammels as completely negative them in practice. For my own part, rather than be called upon to deal with a measure which imposed qualifications and restrictions which rendered the power completely inert, useless and without any applicability to the conditions in which it is revised, I would rather be called upon to deal with a measure which negated it and without any qualification urged its repeal. That, in point of fact, is really the case in regard to the vast majority of cases in which this section is invoked. That, in point of fact, would be the result of this measure and I am confident that the House will not approve of it.

Mr. Gaya Prasad Singh : Sir, I do not propose to prolong the agony of the House by making a lengthy speech by way of reply, at this fag end of the day. At the outset I must remind Honourable Members that notice of a similar Bill was given by a number of Members of this House some years back, including, Sir, yourself, now sitting in the Presidential Chair, and my friend, Mr. A. Rangaswami Iyengar, a lawyer of no mean repute, who has now been invited to take a seat in the Round Table Conference. I have been sought to be hanged, drawn and quartered for my modest proposal. I would therefore most respectfully invite you, Sir, also to share with me the abuses which have been heaped upon me from the official quarters.

The points which have been made by my Honourable friends opposite have, I think, been sufficiently answered by my Honourable friends who have spoken on this side of the House. There are, however, just a few points to which I should like to reply very briefly. It has been said that my amendment is somewhat loosely worded in some respects ; for instance, it has been said that the phrase " public or political meeting " has not been clearly defined, and that its scope is very comprehensive. In this connection, Sir, I should like to remind my Honourable friends on the other side of the comprehensive provision which is embodied in the Press Bill which is coming up to-morrow. I hope my Honourable friends who have criticised my Bill as being comprehensive will remember the point of their criticism when they are called upon to support the Press Bill.

Another point that has been made is this, that the phrase " evidence duly recorded " is a very elastic phrase ; and an Honourable friend on the other side, who I understand is a Sessions Judge of fairly long experience, has asserted that he does not find that phrase anywhere in the Criminal

[Mr. Gaya Prasad Singh.]

Procedure Code. I will only refer him to one section of the Criminal Procedure Code, section 288, in which it is stated that :

“ The evidence of witnesses duly recorded in the presence of the accused under chapter.....”, etc.

The words “ duly recorded ” appear in the Criminal Procedure Code, and the method in which evidence is to be duly recorded is also prescribed in chapter XXV of the Code. I will therefore not labour that point any further, but I have merely alluded to it in passing.

Another point was with regard to the provision that in case an *ex parte* order is passed, it should be limited to 24 hours, as my Bill proposes to do. It has been suggested that a period of 24 hours is too short. I shall be quite willing, if this House agrees to send this Bill to a Select Committee, to consider whether a longer period is desirable or necessary. This after all is a matter for the Select Committee. Sir, this section was intended to be used in urgent cases, as the heading of that chapter indicates. But it has been used on most trifling pretexts, and many of my friends on this side of the House have borne testimony to it. I will only refer to one case which is to be found on page 37 of the White Paper. The Deputy Commissioner of Khasia and Jaintia Hills says :

“ The application of this section to Messrs. Phukon and Bardoloi in their tour through Assam in 1920 to rouse the province against Government would have prevented some of the disastrous consequences of 1921.”

Sir, if this section had been applied to these prominent men of that province, I am afraid things would have taken a more serious turn, and it was very wise on the part of the authorities not to have utilised the provisions of this section against these gentlemen.

Sir, one Honourable friend on the other side has suggested that, under Swaraj, it may be necessary to have a measure of this kind. Sir, things are different at the present time. What we will do under Swaraj is still a matter for the future. At that time there will be no difference between the government and the governed, as their interests will be identical. In England the Government is composed of the representatives of the people elected by themselves, and they carry on the administration of the country. Here under the present circumstances we have no hand or voice in the administration of the country, so that the power which may be necessary when the administration will be in our own hands is quite a different proposition from the present position of things.

Now, I understand quite well that all laws are liable some times to be misapplied ; but with regard to this section, there is an inherent defect and that is due to the system of administration. So long as the separation of judicial and executive functions is not effected, so long—I am speaking as a whole and with due deference to all Magistrates without making any personal reflection against any one—so long is conscious or unconscious bias apt to colour their minds in dealing with cases of a political complexion.

Sir, one Honourable Member on the other side has read out the opinion of an Indian pleader who has suggested that my Bill has been induced by political considerations. This is quite different from indulging in language which I quoted from the opinion of a Divisional Commissioner in Burma. It has been claimed, Sir, that the application of this

section has prevented many riots. That may be so, but I will bring to the notice of my Honourable friends the fact that in a number of cases recently orders promulgated under this section were disobeyed ; and no riot or affray or any trouble took place. Sir, the points that have been raised in the course of this debate may be more profitably discussed in the Select Committee, and I should beg Honourable Members to allow this Bill to go to the Select Committee. The country outside is watching what we the elected representatives of the people are going to do on this important Bill, and I commend my motion to the House.

Mr. Deputy President : The question is :

“ That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 144*), be referred to a Select Committee consisting of the Honourable the Home Member, Diwan Bahadur T. Rangachariar, Sir Hari Singh Gour, Rai Sahib Harbilas Sarda, Mr. B. R. Puri, Mr. Lalchand Navalrai, Sir Muhammad Yakub, Maulvi Sayyid Murtuza Saheb Bahadur, Mr. C. B. Elliott, Mr. Muhammad Azhar Ali, and the Mover, and that the number of members whose presence shall be necessary, to constitute a meeting of the Committee shall be five.”

The motion was negatived.

Mr. Deputy President : I had intended that we should sit till five o'clock to-day ; but if I allow the Honourable Member, Sir Hari Singh Gour, to move his motion, there is no chance of the motion being taken to vote this evening. When the order of business on a non-official day is decided by ballot, I do not think it is fair to other Honourable Members, who have drawn in the next ballot, to allow one Honourable Member to move his motion to-day and carry it on to the next day. I therefore adjourn the House.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 16th September, 1931.

LEGISLATIVE ASSEMBLY.

Wednesday, 16th September, 1931.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. Deputy President in the Chair.

QUESTIONS AND ANSWERS.

ECONOMY ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

333. ***Mr. K. P. Thampan** : Has the attention of Government been drawn to an article under the title of " Samples of Economy on the Madras and Southern Mahratta Railway " on page 84 of the *Indian Railway Magazine* for April, 1931 ? Are the statements contained therein true ?

Mr. A. A. L. Parsons : The reply to the first part of the question is in the affirmative. I have called for information in respect of the second part and will communicate with the Honourable Member on its receipt.

DISCHARGE OF CERTAIN EMPLOYEES OF THE CORDITE FACTORY AT ARAVANKADU.

334. ***Mr. K. P. Thampan** : Will Government be pleased to state :

- (a) whether it is a fact that certain people who have put in long services varying between 10 and 25 years in the Cordite Factory at Aravankadu have been discharged without payment of any gratuity ;
- (b) if so, how many such men were discharged ;
- (c) whether they memorialized the Master General of Ordnance for payment of any gratuity, and the relief granted was only a distribution of Rs. 375, which was the accumulated amount of the Fines Fund ;
- (d) whether the men concerned have memorialized the Government of India and the Commander-in-Chief ; and if so, what orders have been passed thereon ; and
- (e) whether Government have any objection to pay these men gratuity on the same scale as that granted to the State Railway servants, whose services have been dispensed with under the Retrenchment Scheme ?

Mr. G. M. Young : (a) and (b). 37 men of over 10 years' service have been discharged, of whom 24 have been paid small gratuities. Their cases and those of the remaining 13 are being considered.

(c) A memorandum was submitted to the Master General of the Ordnance in India on behalf of the Cordite Factory Labour Union, asking for the grant of gratuities to the discharged men.

The answer to this part of the question is in the affirmative.

(d) and (e). Memorials addressed to Their Excellencies the Viceroy and the Commander-in-Chief have been received and are at present under consideration.

POSITION OF MINORITIES IN SERVICES UNDER THE CONTROL OF THE CENTRAL GOVERNMENT.

335. ***Mr. Md. Anwar-ul-Azim :** Will Government please state if they contemplate to appoint any committee or special officer to inquire into the position of the minorities in the services of the Crown in India under the control of the Central Government ? If so, when ?

The Honourable Sir James Crerar : Owing to the complaints of non-observance of the orders regarding the representation of minority communities in subordinate ranks, the Government of India have appointed two officers on special duty to carry out investigations in the Railway Department and to assist the Railway Administrations in securing compliance with the orders. The Government of India are examining the position in regard to other Departments and so far as the examination has proceeded it does not appear that the procedure adopted in respect of the Railway Department will be necessary for any other Department.

Mr. K. Ahmed : Will the Honourable Member kindly tell us whether these officers who have been appointed on special duty have any powers to issue orders themselves ?

The Honourable Sir James Crerar : I understand the Honourable Member to inquire whether these officers will be given power. The immediate purpose of the appointment of these officers is to make investigations. They could not be empowered to issue orders themselves.

Mr. K. Ahmed : Then who will be empowered to give effect to their recommendations ?

The Honourable Sir James Crerar : The Department, Sir.

Dr. Ziauddin Ahmad : Have these officers submitted any Report ?

The Honourable Sir James Crerar : I have no information on this point.

Sardar Sant Singh : Are the Sikhs also included in this inquiry ?

Mr. A. A. L. Parsons : Sikhs are certainly included in the sphere of these investigations.

Mr. K. Ahmed : Have the Government of India or my Honourable friend Mr. Parsons given these officers the terms of reference or any instructions as to the procedure they should follow in conducting their investigations ?

Mr. A. A. L. Parsons : If I have caught the Honourable Member's question correctly, what he is asking is whether we are prepared to give the House information as to the instructions which Mr. Hassan has received ; I will consider that point.

Mr. K. Ahmed : In view of the fact that the officers have been drawing their salaries from April last and they have already started their investigations, has not the Honourable Member given them any instructions as yet as to the procedure they should follow in conducting their inquiries ?

Mr. A. A. L. Parsons : I am speaking from memory, but I think a day or two ago I informed the House that a Report had just been received by the Railway Board from Mr. Hassan, and that is under consideration, but I should like to verify whether that is correct.

Mr. K. Ahmed : Will the Honourable Member kindly give particulars of the instructions he has given to these officers so that the representatives of the country may be in a position to follow their activities in the matter ?

(No answer was given.)

STERLING AND RUPEE LOANS.

336. ***Mr. Md. Anwar-ul-Azim :** Will Government please state what is the policy that guides the Government in floating sterling loans in England ? How much has been floated during the last five years and at what rates of interest ? What percentage of this loan has been subscribed by Indians, or people domiciled in Great Britain, of Asiatic origin ? What are the disadvantages of a rupee loan, either in the London market, or here ?

The Honourable Sir George Schuster : The attention of the Honourable Member is invited to paragraphs 72 to 82 of my Budget speech on the 28th February 1929. A statement is laid on the table giving the information, as far as available, regarding loans floated during the last 5 years. No information is available as to the amounts subscribed by Indians or people of Asiatic origin domiciled in Great Britain. The statement gives the amounts applied for from India.

Sterling loans raised from 1927-28.

Year of Issue.	Amount.	Amount applied for from India.	Date of maturity.	Issue Price.	Nominal rate of interest per cent.	Redemption yield on the terms offered.
1927-28	£ 7,500,000	£ 303,450	1st June, 1958 1st June, 1968	£ 91.10-0	4½	(a) 5.053 (b) 4.993
1928-29	10,000,000	199,150	1st June, 1958 1st June, 1968	91	4½	(a) 5.093 (b) 5.026
1929-30	6,000,000	508,050	15th June, 1932 15th June, 1933(c)	99	6	(a) 6.473 (b) 6.627
1930-31	7,000,000	1,937,500	15th June, 1933 15th June, 1935	99	6	(a) 6.371 (b) 6.236
1930-31	12,000,000	1,824,200	15th October, 1935 15th October, 1937	100	6	6.000
1930-31	12,000,000	1,886,800	15th July, 1936 15th July, 1938	97	5½	(a) 6.151 (b) 6.003
1931-32	10,000,000	1,757,400	15th December, 1933 15th December, 1934	100	6	6.000

(a) On the basis of the earlier date of maturity.

(b) On the basis of the latter date of maturity.

(c) Repayable at 101 per cent. on the later date.

DECREASE IN CUSTOMS REVENUE.

337. *Mr. Md. Anwar-ul-Azim : Will Government please state if their attention has been drawn to the several articles in the *Statesman* of Calcutta, during the month of June, 1931, regarding the decrease of Customs revenue ? What policy do Government follow in matters of this kind ?

The Honourable Sir George Schuster : The only article which the Government have seen in the *Statesman* of Calcutta for the month of June which relates to the decrease in Customs revenue is the monthly note on the Customs revenue contributed by the Director General of Commercial Intelligence to the issue of the 12th of June. At the appropriate time, the Government will put forward proposals for meeting the situation which arises from the decrease in Customs revenue.

JUDGES' REMARKS ON AMENDMENTS TO THE CRIMINAL PROCEDURE CODE.

338. *Mr. Md. Anwar-ul-Azim : Will Government please state if their attention has been drawn to the remarks of two Judges of the Calcutta High Court, recently, with regard to the amendments of sections 526 and 528 of the Criminal Procedure Code ? If so, do they propose to do any thing in that connection ?

The Honourable Sir James Crerar : I have seen the judgment in the case of *Neamat Sha v. Emperor*, reported in XXXV, *Calcutta Weekly Notes*, to which the Honourable Member presumably refers. The question of amending section 526 (8) of the Criminal Procedure Code is still under the consideration of the Government of India.

CONFIRMATION OF TEMPORARY MUHAMMADAN EMPLOYEES IN THE GOVERNMENT OF INDIA AND ATTACHED OFFICES.

339. *Mr. Md. Anwar-ul-Azim : (a) Will Government state the number of Muhammadan candidates, who are qualified and are working temporarily in the Government of India and its Attached Offices, and have not yet been confirmed in the division for which they have qualified ?

(b) Are Government disposed to consider the desirability of confirming these men in the vacancies reserved for Muslim candidates and which have not been filled in owing to the inadequate number of Muslim candidates qualifying in the recent examination (February, 1931) ?

The Honourable Sir James Crerar : (a) Three, one qualified for the First Division and two for the Second Division.

(b) The number of Muslim candidates who qualified at the examination of 1931 was sufficient to fill all the vacancies in the First and Second Divisions for which Muslims were required.

APPOINTMENT OF A MUHAMMADAN IN THE ESTABLISHMENT SECTION OF THE HOME DEPARTMENT.

340. *Mr. Md. Anwar-ul-Azim : (a) Is it a fact that no Muhammadan assistant or clerk is posted in the Establishment Section of the

Home Department where all questions appertaining to communal adjustment are dealt with ?

(b) If the answer to part (a) above is in the affirmative, do Government propose to consider the necessity of posting at least one assistant and one clerk in that section to look after the interests of the Muhammadans ? What is the general policy of Government in these matters ?

The Honourable Sir James Crerar : (a) There is no Muhammadan assistant or clerk at present in the Establishment Section of the Home Department.

(b) I cannot accept the suggestions contained in this part of the Honourable Member's question that unless a community is represented in the staff of a particular section, the interests of that community are likely to suffer and that it is any part of the clerical duties of a Hindu or Muhammadan clerk to seek in that capacity to promote the interests of his own community.

EXPULSION FROM BARRACKPORE CANTONMENT OF JAGANNATH PRASAD SINGH.

341. ***Mr. S. C. Mitra :** (a) Is it a fact that one Jagannath Prasad Singh, President of the Barrackpore Congress Committee, was expelled from the Barrackpore Cantonment on the 23rd December, 1921 ? If so, will Government be pleased to state the reasons for expulsion of the above-named individual ?

(b) Are Government aware that owing to this expulsion order Mr. Jagannath Prasad Singh had to take shelter in a village called Monirampore near Barrackpore and cannot use the Post and Telegraph Office courts, business firms, Hindu temples and ferry ghats which are all situated within the cantonment area ? If not, do Government propose to inquire into the matter, if not, why not ?

(c) Are Government aware, that, due to the said order of expulsion on Mr. Jagannath Prasad Singh, he cannot use the Barrackpore Railway Station or the Ichapore and the Titagarh Railway Stations on either side of Barrackpore as the roads to these stations pass through the cantonment area ? If not, do they propose to inquire into the matter ; if not, why not ?

(d) Are Government aware that for all intents and purposes the said Jagannath Prasad Singh has been in the village of Monirampore ?

(e) Is it a fact that Mr. Jagannath Prasad Singh has never been guilty of any sort of violent political crime ?

(f) Is it a fact that he has been expelled from the cantonment for his non-violent political creed ? If so, do Government propose to remove the bar on Mr. Singh and allow him to live in his native place, Barrackpore ; if not, why not ?

Mr. G. M. Young : (a) to (f). Mr. Jagannath Prasad Singh was expelled from the Barrackpore Cantonment on the 23rd December, 1921, for taking part in the non-co-operation movement, but was subsequently informed that he would be permitted to return to the cantonment if he gave an undertaking to refrain from propaganda in connexion with that

movement. He could therefore have returned to the cantonment at any time on giving the undertaking. He has now been permitted to re-enter the cantonment, and has already conducted a public meeting there.

PAY OF POSTAL CLERKS.

342. ***Mr. S. C. Mitra :** (a) Is it a fact that the scale of pay of the postal clerks of Simla is Rs. 45—145 while that of the postal clerks of the moffussil stations in the Punjab and the North West Frontier Province is Rs. 35—135 ?

(b) Is it a fact that the scales of pay of postal clerks of Darjeeling is Rs. 40—140, which is equal to that of the postal clerks of the moffussil stations of Bengal and Assam Circle ?

(c) Is it also a fact that, prior to the recent revision, the scale of pay of Darjeeling postal clerks was higher than that of the moffussil station postal clerks in Bengal and Assam ?

(d) Is it a fact that the District of Darjeeling has been grouped with Calcutta, Alipore and Howrah by the Government of Bengal in their Notification No. 415-T.E., dated 29th May, 1920, as far as the dearness of living and excessive house rent in those places are concerned ?

(e) Is it a fact that the postal staff of Simla and Darjeeling get the same rate of allowance ?

(f) Are Government aware that the cost of living in both these places is equal ?

(g) Will Government be pleased to state why during the last revision of pay in the Posts and Telegraphs Department, Darjeeling was put in the same category as the moffussil stations of Bengal and Assam, though a higher scale of pay was sanctioned for the clerks in the Simla Post Office ?

(h) Is it a fact that under circular No. 1, dated 11th April, 1931, issued by the Director General of Posts and Telegraphs, the allowance paid to the postal staff in Darjeeling has been reduced by the same percentage as has been done in other moffussil stations ? If so, why ?

(i) Do Government propose to reconsider the case of the Darjeeling postal clerks and bring their pay to the same level as obtains in Calcutta, Alipore and Howrah post offices ? If not, why not ?

Sir Hubert Sams : (a) The case is not quite as stated. Simla is not alone on the first scale named, nor are all moffussil offices on the other scale.

(b) In the Bengal and Assam Circle, only Calcutta, Howrah and Alipore were placed in a special scale, viz., Rs. 50—160, while for all other offices a scale of Rs. 40—5—140 was fixed on the ground that there was no sufficient reason for discriminating between larger and smaller offices in that Circle.

(c) Yes.

(d) The Bengal Government Notification cited is not readily available. The scales of pay of Postal clerks, however, were fixed on wider principles as indicated in (b) above.

- (e) They get the same rate of compensatory allowance.
- (f) Government do not admit that the cost of living is equal.
- (g) Does not arise in view of the replies to (a) and (b).
- (h) Yes, for the reasons stated in the Government of India Resolution subjoined to the Circular cited.
- (i) No, for the reasons stated in (a) and (b).

CREATION OF A POST OF CONTROLLER OF FOREIGN MAILS IN BOMBAY.

343. ***Mr. S. C. Mitra** : (a) Is it a fact that the Director General of Posts and Telegraphs contemplates to create a post of Controller of Foreign Mails in Bombay on a pay of Rs. 1,000—1,500 per month ?

(b) Will Government be pleased to lay a copy of the scheme on the table ? If not, why not ?

(c) Is it a fact that it has been proposed to do away with the post of the Superintendent, Foreign Mails Division and one City Superintendent of Bombay ?

(d) Will Government be pleased to state why the post of City Superintendent of Bombay is being reduced in connection with the foreign mails and in what way was the work of the City Superintendent connected with the foreign mails ?

(e) Is it a fact that there are only 40 or 50 members of the staff attached to the Foreign Mails Division ? If so, will Government be pleased to state why such a highly salaried post is being created for controlling such small staff ?

(f) Will Government be pleased to state what saving is likely to be effected by transferring the whole work of foreign mails under the proposed Controller ? Will Government be pleased to state why are they creating a post with such a high salary during these days of financial stringency ? Is it a fact that on the creation of this post it is proposed to give a lift to a European officer of the Department ?

Sir Hubert Sams : The Postmaster-General, Bombay, submitted a proposal to reorganise the foreign mail work at Bombay. This proposal, which would result in a considerable saving, is now under my consideration and Government are not in a position to make any statement. With respect to the concluding query, the fact is not as stated.

PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

344. ***Mr. Jagan Nath Aggarwal** : Will Government please state whether it is a fact :

(a) that promotions and increments in salary of members of the P. W. D. upper subordinates on Indian State Railways are still governed by the grade system as obtained generally before the reforms ;

(b) that in almost all other services the pre-reform grade system has been replaced by time-scales of pay ; and

- (c) that there are many of the aforesaid upper subordinates who have been stationary in the same position as regards grade and salary for the last two, three, or in several cases even ten years ?

Mr. A. A. L. Parsons : (a) Recently the staff in question have been allowed the option of an incremental scale, as is in force for Inspectors of works, subject to certain conditions.

(b) The tendency has been as suggested.

(c) This is substantially true, but the men who have remained on the same pay for long periods are those who have attained the maximum pay of Sub-Engineer, *viz.*, Rs. 540.

PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

345. ***Mr. Jagan Nath Aggarwal :** Are Government aware that in accordance with the present distribution of grades *inter se* among the P. W. D. upper subordinates on Indian State Railways, a large number of them cannot possibly attain to the maximum of Rs. 550 *plus* Rs. 40 (for Special Sub-Engineer grade) fixed for their cadre, providing for average periods of service for men in the higher grades ?

Mr. A. A. L. Parsons : Government have no precise information.

PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

346. ***Mr. Jagan Nath Aggarwal :** Will Government please state :

- (a) whether they are aware that P. W. D. upper subordinates on State Railways have been greatly agitated over the question of their prospects and have been clamouring for a suitable time-scale of pay for several years ;
- (b) whether the Railway Board offered to place them on time-scale of pay with Inspectors of Works ; and
- (c) whether so far these upper subordinates have not accepted this offer and why ?

Mr. A. A. L. Parsons : (a) Representations have been received from them since August 1928, asking for an improvement of pay.

(b) Yes.

(c) Only one has elected for the scale applicable to Inspectors of Works. The reason why others have not done so is probably that they consider the existing scale better on the whole than the scale offered to them.

PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

347. ***Mr. Jagan Nath Aggarwal :** Is it a fact that if P. W. D. upper subordinates on State Railways accept the offer of the Railway Board to place them on time-scale of pay with Inspectors of Works, then :

- (a) they will have a lower maximum salary fixed for them than what they have now ;

(b) as many as 25 of the cadre of 40 upper subordinates will never have any chance of reaching even that smaller maximum ; and

(c) many of them will be placed in the *pro forma* seniority list in a position junior to Inspectors of Works who have put in much shorter service than the former ?

Mr. A. A. L. Parsons : (a) The maximum pay of the scale of upper subordinates is Rs. 540, omitting a special increase of Rs. 50 permissible in certain special circumstances, while the maximum pay of the scale of Inspectors of Works offered to them is Rs. 550.

(b) The Inspectors' scale is not a continuous time-scale and it is difficult to say how many Upper Subordinates can reach its maximum if they elect for it as this will depend upon the occurrence of vacancies in higher grades.

(c) Upper Subordinates and Inspectors of Works having hitherto been borne on separate lists, their fusion into one list would naturally lead to some Upper Subordinates ranking below Inspectors with shorter service and *vice versa*.

PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

348. ***Mr. Jagan Nath Aggarwal :** Will Government please state whether :

(a) it is a fact that the Railway Board in their letter No. 7012-E., dated the 7th May, 1930, addressed to the Agent, North Western Railway, offering to place P. W. D. upper subordinates on State Railways on time-scale of pay with the Inspectors of Works, offered simultaneously to give them two years' credit for training in colleges ;

(b) in drawing up the *pro forma* seniority list of Inspectors of Works and the said upper subordinates the Agent, North Western Railway, has given all the men concerned two years' credit referred to ; and

(c) if the reply to (b) above is in the negative, Government are prepared to take steps for the preparation of a new list ?

Mr. A. A. L. Parsons : (a) Yes.

(b) and (c). I have called for information and will communicate with the Honourable Member on its receipt.

PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

349. ***Mr. Jagan Nath Aggarwal :** Will Government please place on the table a statement showing the scales of pay fixed for P. W. D. upper subordinates on State Railways and of Permanent Way Inspectors, Inspectors of Works, and Signal and Interlocking Inspectors on the North Western Railway since the year 1900 and up to date ?

Mr. A. A. L. Parsons : Government regret they cannot undertake to collect the information required, as it would entail a disproportionate expenditure of time and labour.

PAY OF P. W. D. UPPER SUBORDINATES ON INDIAN STATE RAILWAYS.

350. *Mr. Jagan Nath Aggarwal : (a) Are Government aware of the grave disappointment caused to P. W. D. upper subordinates on State Railways by the offer of the Railway Board to place them on time-scale of pay with Inspectors of Works falling far short of their demand ?

(b) If so, are Government prepared to offer a distinct time-scale of pay to these upper subordinates, which will :

- (i) not interfere with their relative seniority ;
- (ii) open up a suitable maximum of salary to them commensurate with their status and qualifications ; and
- (iii) render their maximum attainable by all of them before their retirement on pension ?

Mr. A. A. L. Parsons : (a) A representation was recently received on this subject.

(b) No.

PROMOTION OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.

351. *Mr. Jagan Nath Aggarwal : Will Government please state :

- (a) the relative strengths of cadres of P. W. D. upper subordinates on State Railways and Punjab P. W. D. upper subordinates in 1920 ;
- (b) the number of members of each of these cadres promoted to the respective higher grades, namely, the Provincial Engineering Service, since 1st April, 1921 : and
- (c) the number of the said State Railways upper subordinates now on the approved list of Officiating Sub-Divisional Officers ?

Mr. A. A. L. Parsons : 13 Upper Subordinates have been promoted in the State Railway Department to gazetted rank since 1921. Government regret they cannot undertake to collect the remainder of the information asked for.

ESTABLISHMENT OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.

352. *Mr. Jagan Nath Aggarwal : (a) Is it a fact that in its Resolution No. 611-E.20, dated 4th April, 1921, the Railway Board decided to transform the establishment of P. W. D. upper subordinates on State Railways into a service organised on the model of the then existing Provincial Services in a manner so that the said establishment of upper subordinates is gradually reduced " until it ceases to exist " ?

(b) Will Government please state whether the establishment of P. W. D. upper subordinates on State Railways has been transformed into the Provincial Engineering or other equivalent service as decided by the Railway Board ? If not, why not ; and what steps do Government propose to take to implement the decision of the Railway Board as contained in its Resolution No. 611-E.20, dated 4th April, 1921 ?

Mr. A. A. L. Parsons : (a) & (b). The Resolution stated that selected members of the Upper Subordinate establishment would be promoted to the Provincial Engineering Service and those who are not selected for such promotion retained as Upper Subordinates. Steps have been taken to implement this promise, having regard to the vacancies to be filled by promotion and to the claims of the Upper Subordinates or Inspectors of Works best qualified for promotion.

TRAVELLING ALLOWANCES OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.

353. *Mr. Jagan Nath Aggarwal : Will Government please state if it is a fact :

- (a) that the grant of travelling allowance to Public Works Department upper subordinates employed on Indian State Railways was originally governed by Government of India circular No. 4-Railway, P. W. D., Railway Establishment, dated the 25th January, 1881 ;
- (b) that under paragraph 3 of the said circular the said upper subordinates have been entitled to travelling allowance on the day basis of calculation as distinguished from what is generally known as night allowance ;
- (c) that this rule of grant of day allowance to these upper subordinates was re-affirmed by Supplementary Rule 82 of the Fundamental Rules in 1921, which has since been made applicable to them ;
- (d) that they have actually been getting day allowance for over half a century now for travelling on duty ; and
- (e) that the said circular has not been cancelled up to the date of this question, except for minor modifications in duration of absence and rates ?

Mr. A. A. L. Parsons : With your permission, Sir, I shall answer questions Nos. 353 to 357 together. Public Works Department Upper Subordinates employed in State-managed Railways were until lately eligible for daily allowance under Supplementary Rule 82, i.e., for an absence from headquarters exceeding 8 consecutive hours from midnight to midnight ; but as there is very little difference between the duties of these subordinates and those of Inspectors of maintenance who are eligible for daily allowance only if their absence from headquarters exceeds 4 hours between 9 P.M. and 5 A.M., the Government considered it undesirable to allow the distinction between the two categories of staff in the matter of travelling allowance to continue. Government are aware that the Upper Subordinates concerned are memorialising against the orders in question. The memorials which, I have no doubt, raise all the points mentioned in these questions will be considered in due course, when received through the proper channel.

Government are not prepared to lay on the table the letter, dated the 30th October, 1930, on the subject, which they received from the Agent of the North Western Railway.

TRAVELLING ALLOWANCES OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.

†354. ***Mr. Jagan Nath Aggarwal :** (1) Will Government please state if it is a fact :

- (a) that practically the whole of the work to be performed on the line by the P. W. D. upper subordinates employed on Indian State Railways has to be done during the day time ;
- (b) that travelling on duty means additional expense to them ;
- (c) that day allowance for travelling has hitherto been granted to them to enable them to meet this additional expense incurred in travelling on duty ;
- (d) that the Railway Board have now decided to take away the right of day allowance for travelling from these upper subordinates and to grant them, with effect from 6th July, 1931, travelling allowance under Supplementary Rule 83 for absence from headquarters for more than four hours and that only between 21-0 hours and 5-0 hours ; and
- (e) that these upper subordinates have little occasion to go out on the line or be absent from headquarters during the said night hours ?

(2) If the answer to part (1) (d) above is in the affirmative, will Government please state the justification they have in taking away from these upper subordinates the right to day allowance to which they have been entitled for over half a century ?

(3) If the answer to part (1) above is in the affirmative, will Government please state whether the effect of the application of Supplementary Rule 83 in the matter of grant of travelling allowance to P. W. D. upper subordinates employed on Indian State Railways will be to throw the burden of bearing the expense of travelling on duty during the day time on the salaries of these upper subordinates ?

TRAVELLING ALLOWANCES OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.

†355. ***Mr. Jagan Nath Aggarwal :** Will Government please state whether they are aware that :

- (a) upper subordinates employed under Local Governments are granted day allowance for travelling ;
- (b) all other pensionable hands on Indian State Railways continue to get day allowance ;
- (c) P. W. D. upper subordinates employed on Indian State Railways are pensionable hands ; and
- (d) day allowance was one of the service conditions under which P. W. D. upper subordinates now employed on Indian State Railways joined this Department of service ?

TRAVELLING ALLOWANCES OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.

†356. ***Mr. Jagan Nath Aggarwal :** (a) Are Government aware that the decision of the Railway Board, to apply Supplementary Rule 83 with effect from 6th July, 1931, in the matter of grant of travelling allowance to P. W. D. upper subordinates employed on Indian State Railways has caused widespread discontent among these upper subordinates ?

(b) If so, will Government please state whether they are prepared to continue to recognise the right of these upper subordinates to be granted day allowance for travelling on duty, and whether it is a fact that this right is based on Government of India Circular No. 4-Railway, P. W. D., Railway Establishment, dated the 25th January, 1881 ? If so, will Government please state whether they are prepared forthwith to cancel the Railway Board letter No. 7043-F., dated 6th July, 1931 ? If not, why not ?

TRAVELLING ALLOWANCE OF P. W. D. UPPER SUBORDINATES ON STATE RAILWAYS.

†357. ***Mr. Jagan Nath Aggarwal :** Will Government please lay on the table a copy of letter No. 39-E./103, dated 30th October, 1930, from the Agent, North Western Railway, to the Secretary, Railway Board, recommending the continuance of day allowance to P. W. D. upper subordinates employed on Indian State Railways ?

APPOINTMENT OF CHIEF PERSONNEL OFFICER, NORTH WESTERN RAILWAY.

358. ***Mr. Jagan Nath Aggarwal :** (a) Will Government be pleased to give the reasons which led to a change of the designation of Junior Deputy Agent, Personnel, to Chief Personnel Officer, North Western Railway, involving the enhancement of his salary from Rs. 1,800 to Rs. 2,500 at a time when retrenchment was the cry of the day ? Was there any change in the duties ?

(b) Is it a fact that the present incumbent of the above post has sanctioned two assistants under him drawing a salary of Rs. 500 per mensem each ?

(c) Are Government prepared to consider the desirability of abolishing the above post and reverting its incumbent to his old substantive post thus saving the pay of the two assistants as well as the increase of salary involved in the creation of the new post ?

Mr. A. A. L. Parsons : (a) Government consider that the growing importance and complexity of establishment and labour problems on a large railway system like the North Western Railway required, for the efficient handling of the work, the establishment of a personnel branch under the control of a principal officer. The duties and responsibilities of the post of Chief Personnel Officer, which has been created as an experimental measure for a year, are more onerous than those allotted previously to the Deputy Agent, Personnel.

†For answer to this question, see answer to question No. 353.

(b) Government have no information. The creation of such posts is within the powers of the Agent.

(c) The entire organisation will be reviewed towards the end of this year.

INTERMEDIATE AND SECOND CLASS NORTH WESTERN RAILWAY PASSES TO PURI.

359. *Mr. Jagan Nath Aggarwal : Is it a fact that intermediate class passes from the North Western Railway stations to Puri are issued *via* Gomoh instead of Howrah ? If so, why are second class passes being issued *via* Howrah when the Pass Rules for both the classes are one and the same, *i.e.*, they should be issued by the quickest and shortest route ? Do Government propose to give the same concession to intermediate class pass-holders as is given to second class pass-holders in respect of issue of the passes to Puri ?

Mr. A. A. L. Parsons : I have asked the Agent, North Western Railway, for a report and will communicate with the Honourable Member on its receipt.

LITIGATION OFFICER OF THE NORTH WESTERN RAILWAY.

360. *Mr. Jagan Nath Aggarwal : (a) Will Government be pleased to state if the present litigation officer on the North Western Railway is a non-technical hand being promoted from a guard or Traffic Inspector and about six B.A., LL.Bs. are working under him as lawyers to conduct cases in courts ?

(b) If so, will Government please state why an unqualified man is put in charge of legal work which involves technical training ?

(c) Are Government prepared to consider the desirability of ordering that the State Railways should entrust their legal work to competent and trained persons ?

Mr. A. A. L. Parsons : I have called for information and will communicate with the Honourable Member on its receipt.

OFFICIATING PROMOTION OF MR. S. R. WOODMORE AT THE MOGHALPURA RAILWAY WORKSHOPS.

361. *Mr. Jagan Nath Aggarwal : Is it a fact that Mr. S. R. Woodmore, Journeyman in Loco. Shops, Moghalpura, was given the chance to officiate as Chief Draftsman in Superintendent Mechanical Workshops, Moghalpura's Office in preference to other senior and more qualified Indians holding the diploma of Associate Member of Technical Engineers or with European qualifications and A Class apprentices ?

Mr. A. A. L. Parsons : I have called for the information and will communicate with the Honourable Member on its receipt.

ADVERTISEMENTS OF THE PUBLIC SERVICE COMMISSION.

362. *Mr. Jagan Nath Aggarwal : (a) Is it a fact that the Public Service Commission is giving advertisements regarding rules and appointments to certain newspapers only ?

(b) Are Government aware that such newspapers are mostly in European and Anglo-Indian hands ?

(c) Are the Public Service Commission prepared to extend its patronage to Indian papers as well ?

The Honourable Sir James O'rerar : (a) The Commission maintain a list of newspapers advertisements in which they consider will secure adequate publicity for the notices which they issue from time to time, and confine their advertisements to this list.

(b) A copy of the list as it at present stands is laid on the table.

(c) There are already several Indian papers on the list, but the suggestion that more might be added will be conveyed to the Commission.

List of papers in which the advertisements are issued by the Public Service Commission.

1. *The Statesman*, Calcutta.
2. *The Leader*, Allahabad.
3. *The Civil and Military Gazette*, Lahore.
4. *The Times of India*, Bombay.
5. *The Madras Mail*, Madras.
6. *The Rangoon Gazette*, Rangoon.
7. *The Hindu*, Madras.
8. *The Hitavada*, Craddock Town, Nagpur.
9. *The Star*, Allahabad.

APPOINTMENT OF JANITER OF THE HEADQUARTERS OFFICE OF THE NORTH WESTERN RAILWAY.

363. *Mr. Jagan Nath Aggarwal : Will Government be pleased to state the circumstances under which the post of Janitor in the Headquarters office of the North Western Railway has always been filled by Europeans, especially guards, when Indian guards and Indian Sanitary Inspectors are available in large numbers ?

Mr. A. A. L. Parsons : I have called for certain information and will communicate with the Honourable Member on its receipt.

APPOINTMENT OF RAILWAY OFFICERS " OUTSIDE THEIR OWN LINE OF QUALIFICATIONS ".

364. *Mr. Jagan Nath Aggarwal : Will Government be pleased to state why Engineers, Traffic, Mechanical, and Stores Officers are appointed as Director of Establishment, Secretary, Railway Board, Deputy Agent, Personnel, Divisional Personnel Officers and Assistant Personnel Officers on State Railways outside their own line of qualifications ? Is there not a considerable demand for their utilization in their own technical lines ? Do these officers possess the necessary certificates to hold such posts ?

Mr. A. A. L. Parsons : The posts referred to are open to members of all the branches of the railway services mentioned by the Honourable Member. They are filled by selection from among those considered qualified to discharge the duties of these posts. The sanctioned cadres of the various Branches include provision for officers to fill such posts.

OFFICERS' AND CLERKS' GRADES ON THE NORTH WESTERN RAILWAY.

365. *Mr. Jagan Nath Aggarwal : (a) Is it a fact that on the North Western Railway and other State Railways there are only two grades for officers, i.e., Junior and Senior ?

(b) Is it also a fact that there are seven grades in the clerical establishment on the North Western Railway, while in the Postal and Telegraph Department there are only two grades Junior and Senior under time-scale ?

(c) If so, why is this distinction between two services on the North Western Railway itself and between two Departments of the Government of India ?

Mr. A. A. L. Parsons : (a) The following are the ranks and grades for officers on the North Western Railway and other State-managed Railways :

1. Administrative.
2. Senior Scale.
3. Junior Scale.
4. Lower Gazetted Service.

(b) Yes, but the grades on the North Western Railway include Superintendents, Assistant Superintendents and Head Clerks.

(c) The distinction is justified by the varying degree of responsibility and the varying nature of work of the different ranks and grades.

APPOINTMENT OF SIKHS AND HINDUS AS DRAFTSMEN ON THE NORTH WESTERN RAILWAY.

366. *Mr. Jagan Nath Aggarwal : Is it a fact that out of 81 Draftsmen employed in the Mechanical Drawing Offices of Chief Mechanical Engineer, Superintendent Mechanical Workshops and Loco and Production Engineers on the North Western Railway, there are only 6 Hindus and Sikhs and the remaining 75 are Muhammadans ? Are Government prepared to issue orders that no more Muhammadans are recruited in this line until an equal percentage of Hindus and Sikhs and Anglo-Indians is employed ?

Mr. A. A. L. Parsons : I have called for certain information and will communicate with the Honourable Member on its receipt.

Mr. Lalchand Navalrai : Does not the Honourable Member realise that giving information hereafter will place the House at a disadvantage in putting further questions ?

Mr. A. A. L. Parsons : No, Sir. When we communicate information to the Honourable Member who has asked the question, we always place a copy of it in the Library, so that any other Member of this House who happens to be interested in the same subject will be able to obtain that information.

Mr. Lalchand Navalrai : Are we not thereby debarred from putting supplementary questions ? (Laughter.)

Mr. A. A. L. Parsons : The Honourable Member can always put new questions and I shall always be prepared to answer supplementary questions then.

Mr. Lalchand Navalrai : But it will be too late for this session.

APPOINTMENT OF SUPERINTENDENTS IN DIVISIONAL OFFICES ON THE NORTH WESTERN RAILWAY.

367. ***Mr. Jagan Nath Aggarwal :** Will Government be pleased to state whether guards and Travelling Ticket Examiners are promoted as clerical Superintendent in Divisional Offices on the North Western Railway when they have no experience of the clerical line ? If so, are Government prepared to take steps to replace them by qualified clerical hands ?

Mr. A. A. L. Parsons : The appointments to posts of Office Superintendents are made by Selection Boards. Guards and Travelling Ticket Examiners qualified for such posts are not excluded, and Government see no reason to interfere with the present practice.

RACIAL DISCRIMINATION IN NEW LEAVE RULES ON STATE RAILWAYS.

368. ***Mr. Jagan Nath Aggarwal :** (a) Will Government be pleased to state why racial discrimination has been adopted by introduction of new leave rules on State Railways and whether there was any such discrimination in the Fundamental leave rules sanctioned by the Secretary of State ?

(b) Why have the new leave rules been enforced on the North Western Railway from the 1st April, 1927, when they have only been formulated in April, 1930 ?

(c) Will Government also state why the necessity of framing new leave rules was felt on the State Railways ?

Mr. A. A. L. Parsons : (a) The assumption made by the Honourable Member is incorrect. One of the main objects of making the new rules was to eliminate the racial discrimination obtaining in the leave rules of Companies' Railways taken over by the State and to give a similar lead to other Companies' lines.

(b) The new rules have been applied to staff who joined the service on or after the 1st April, 1930, and to those who did so earlier but on the understanding that they would come under the new rules when the latter were introduced.

(c) The Fundamental Leave Rules were considered unsuitable to a commercial Department like Railways.

CHRISTMAS HOLIDAY FOREIGN LINE PASSES LIMITED TO ANGLO-INDIANS AND EUROPEANS.

369. ***Mr. Jagan Nath Aggarwal :** (a) Is it a fact that on State Railways during Christmas holidays foreign line passes are not granted to Indians but they are only given to Anglo-Indians and Europeans ?

(b) Are such passes on foreign lines, *e.g.*, East Indian Railway, granted to Hindus during Dusehra holidays and to Muhammadans during Moharrum holidays ?

(c) If not, do Government propose to issue necessary orders on the subject in order to remove any inequality of treatment ?

Mr. A. A. L. Parsons : I am making enquiries from the Agents of the State-managed Railways and will communicate with the Honourable Member on receipt of their replies.

SLUMP IN THE TEA TRADE IN THE PUNJAB.

370. ***Mr. Jagan Nath Aggarwal :** (a) Has the attention of Government been drawn to the slump in the tea market in the Punjab ?

(b) What steps are Government taking to rehabilitate the trade in tea in the Punjab ?

(c) Have the Russian Government placed any restriction on the import of Indian tea into Russian territory ?

The Honourable Sir George Rainy : (a) Government have received no information on the subject.

(b) No steps are being taken by Government in regard to the trade in tea in the Punjab.

(c) So far as Government are aware, no special restriction has been placed on the import of Indian tea into Russia.

Mr. Jagan Nath Aggarwal : Will the Honourable Member kindly see fit to make enquiries into this subject ?

The Honourable Sir George Rainy : If my Honourable friend will place before me any information that he has, it will then be possible for me to say whether I can carry the matter further. Naturally any information placed before one by a responsible Member of this House, I should be disposed to treat seriously and make enquiries.

Mr. Jagan Nath Aggarwal : I shall certainly be glad to place the information that I have at the Honourable Member's disposal.

EXTENSION OF THE INDIAN BAR COUNCILS ACT, 1926, TO THE PUNJAB.

371. ***Mr. Jagan Nath Aggarwal :** (a) Has the attention of Government been drawn to a resolution of the High Court Bar Association at Lahore urging that the Indian Bar Councils Act, 1926 (XXXVIII of 1926) be extended to the Punjab ?

(b) What action do Government propose to take in the matter ?

The Honourable Sir James Crerar : (a) Yes.

(b) The Indian Bar Committee, after taking evidence at Lahore, expressed themselves as being doubtful of the advisability of setting up a Bar Council at Lahore, and the Local Government were also opposed to the proposal. The Government of India do not, in the circumstances, propose to take any action, unless the Local Government and the High Court consider any action to be necessary.

COST OF AIR MAIL BETWEEN ENGLAND AND INDIA.

372. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

(a) the cost per trip of the air mail from India to England ;

- (b) the cost per trip from England to India ;
- (c) the normal cost which each letter from India to England involves the department ;
- (d) the normal cost which each parcel per lb. costs per air mail from India to England ;
- (e) the normal cost which each parcel per lb. costs per air mail from England to India ;
- (f) whether or not the in-takings in England on the head of air mail are credited to the British Treasury ;
- (g) whether or not the expenses of the outward journey from England to India of the air mail are borne by the British Treasury ; and
- (h) the amounts which the air-mail service has involved the Indian Post Office Department during the years 1928-29 and 1929-1930 ?

Mr. J. A. Shillidy : (a), (b), (e), (f) and (g). Government have no information.

(c) 4 annas 8 pies per half ounce.

(d) Rs. 4-14-0 for the first pound and Rs. 4 for every additional pound.

(h) The Honourable Member's question is not understood.

CONSTRUCTION OF A CENTRAL RAILWAY STATION IN CALCUTTA.

373. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) whether the Railway Board have decided to start a Central Station at Calcutta on the completion of the Bally Bridge on the Calcutta Central Railway ;
- (b) if the answer to part (a) is in the affirmative, the approximate date by which such a Central Station would be an accomplished fact ;
- (c) the total expenditure that would be incurred in the construction of such a station ;
- (d) whether in that event all through train services at present running up to Howrah will be diverted to the Central Station ;
- (e) the position to which the Howrah Station would be reduced in such an event ; and
- (f) if the answer to part (a) is in the negative, how the Eastern Bengal Railway are going to meet the enhanced train-service on the completion of the Bally Bridge with their present accommodation as regards platform-service ?

Mr. A. A. L. Parsons : (a) No.

(b), (c), (d) and (e). Do not arise.

(f) The Agent of the administration has not suggested to the Railway Board that any special arrangements will be necessary to deal with the passenger service when the Bally Bridge is opened.

CONSTRUCTION BY THE EAST INDIAN RAILWAY OF BUILDINGS AT SALKEA, HOWRAH.

374. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) whether the East Indian Railway have of late constructed a number of one-storeyed, two-storeyed, three-storeyed and four storeyed buildings on the Salkea side of Howrah Station yard ;
- (b) the purpose or purposes for which these buildings have been put up ;
- (c) whether or not the construction of a lot of these buildings with side-paths and avenues has not synchronized with the construction of the Bally Bridge and the Calcutta Central Railway ;
- (d) the total capacity for accommodation of the buildings that have already been completed ;
- (e) how many of those buildings are : (i) one-storeyed, (ii) two-storeyed, (iii) three-storeyed, and (iv) four-storeyed ;
- (f) the total expenditure that the buildings already constructed have involved the East Indian Railway ;
- (g) whether there are yet some buildings or portions of buildings, roads and avenues running by them not yet completed ; and
- (h) the amount that is estimated to be spent upon those incomplete items ?

Mr. A. A. L. Parsons : (a) Yes.

(b) For housing Railway Staff.

(c) This scheme was started in 1928, and is now complete. The Bally Bridge and Calcutta Chord Railway was started in 1925 and is not yet complete.

(d) 588 families with servants.

(e) One storeyed—*Nil*.

Two storeyed—108 units servants' quarters.

Three storeyed—180 units.

Four storeyed—408 units inferior servants' quarters.

(f) Rs. 52,80,258 including the cost of land.

(g) No.

(h) Does not arise.

STUDENTS' CONCESSIONS FOR TRAVELLING BETWEEN JADABPUR AND CALCUTTA.

375. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) how many students of Jadabpur Technical School normally avail themselves of the students' concession, month by month,

in travelling between Calcutta and Jadabpur and between Jadabpur and other neighbouring stations on Eastern Bengal Railway ;

- (b) the students' concession rate for each 3rd class ticket between Calcutta and Jadabpur ;
- (c) the time normally allowed for stoppage of a passenger train at the Jadabpur station ;
- (d) how many stations one has got to pass before one comes to Jadabpur from Calcutta ;
- (e) whether it is a fact that ordinarily all Down trains to Calcutta come to Jadabpur much too overcrowded ; and
- (f) whether it is always possible in the short space of time allowed for stoppage of trains at Jadabpur for a party of 100 to 200 students to get themselves entrained all in 3rd class compartments along with other passengers intending to get themselves entrained ?

Mr. A. A. L. Parsons : (a) The information is not readily available and its compilation would involve work incommensurate with any use to which it could be put.

(b) Nine pies.

(c) Some trains are booked to stop for three minutes, others for two minutes, but the majority for one minute.

(d) Two.

(e) and (f). Government have no information as regards the overcrowding of trains to Calcutta and of the number of passengers entraining at Jadabpur. A copy of the Honourable Member's question and of this answer will be forwarded to the Agent, Eastern Bengal Railway, for such action as he may consider necessary.

RETRENCHMENT IN SCIENTIFIC AND TECHNICAL DEPARTMENTS.

376. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

- (a) whether there were proposals before the Retrenchment Committees to restrict the activities of such scientific and technical Departments, as the Geological, Zoological, Anthropological and Archæological Departments, during the coming years for the sake of economising expenses of the Central Government ;
- (b) if the answer to part (a) is in the affirmative, the specific nature of those proposals ;
- (c) the recommendations made by the Committees concerned ;
- (d) the resolutions arrived at by the Government of India with respect to those proposals ; and
- (e) the nature of the specific retrenchments that are sought to be effected ?

The Honourable Sir George Schuster : I would refer the Honourable Member to the reply I gave on the 15th September, 1931, to Mr. Bhuput Sing's starred question No. 264.

THE Kapiandi SYSTEM IN KENYA COLONY.

377. ***Mr. Nabakumar Sing Dudhoria** : Will Government be pleased to state :

- (a) the details of the *Kapiandi* system as prevalent in Kenya Colony in East Africa ;
- (b) since how long the system has been in vogue in that Colony ; and
- (c) whether the system applies to the Indian settlers in that Colony ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b) and (c). I have no information. But if the Honourable Member is referring to the *Kipandi* system, it appears from the memorandum submitted by a representative of the Indian community in Kenya to the Joint Select Committee of Parliament on East Africa that this is another name for the system of registration of natives. The registration of natives in Kenya is regulated by the Native Registration Ordinance of 1921, and the rules issued thereunder. Briefly, every native is required to carry a certificate of identification which has to be signed by the employer and shows the rates of wages both on engagement and on discharge. The system seems to have been introduced in 1919. The Ordinance does not apply to the Indian settlers in Kenya.

APPOINTMENT OF MUSLIMS IN THE CURRENCY OFFICE, LAHORE.

378. ***Honorary Lieut. Nawab Md. Ibrahim Ali Khan** : (a) Will Government be pleased to state the number of Hindus, Muslims and others employed in the Currency Office, Lahore ?

(b) Is it a fact that not a single Muslim is working in the above mentioned office ?

(c) If the reply to part (b) is in the affirmative, are Government prepared to consider the case of the Muslims and arrange to give them their due share in the Currency Office at Lahore ?

The Honourable Sir George Schuster : (a) The communal composition of the office staff of the Currency Office, Lahore, is 57 Hindus, 27 Muslims and 4 Sikhs.

(b) No.

(c) Does not arise.

RE-ADMISSION TO CANTONMENTS OF PERSONS EXPELLED ON ACCOUNT OF POLITICAL AGITATION.

379. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Mr. Muhammad Azhar Ali) : (a) Is it a fact that the Military Secretary made an announcement that persons turned out from the Cantonment area on account of disturbed conditions will be re-admitted ?

(b) Are Government aware that Hukam Chand & Bros. had three shops at (i) Razmak, (ii) Lower Camp Razmak, and (iii) Wana, since 1922 and they were all turned out on account of participation of their relatives in political agitation at Bannu, 70 miles away from Razmak, in 1930 ?

(c) Are they now permitted to occupy the shops and carry on business ?

(d) If not, when will this permission be granted ?

Mr. G. M. Young : (a) The Honourable Member is presumably referring to my statement on the 10th March, 1931, to the effect that persons who had been expelled from cantonments under section 239 of the Cantonments Act in consequence of agitation in connection with the civil disobedience movement had been allowed to return to cantonments unconditionally.

(b), (c) and (d). I have called for a report and will communicate with the Honourable Member on its receipt. Razmak and Wana are not, however, cantonments : they are military camps situated in tribal territory : the Cantonments Act has not been applied to them : and no civilian is allowed to enter them without the special permission of the Officer Commanding.

CONTRIBUTIONS BY INDIA TO THE LEAGUE OF NATIONS AND THE ADVANTAGES SECURED.

380. ***Mr. Bhuput Sing :** Will Government be pleased to state :

- (a) the total amount of contributions that India as an allied and independent member of the League of Nations has got to make annually towards the maintenance of the League ;
- (b) the circumstances in which the amount of the annual contribution from India was first settled ;
- (c) who it was that represented the Government of India when the question of contributions was first fixed ;
- (d) the rights and privileges that India enjoys by reason of her contributions towards the League as emanating from the League itself ;
- (e) the specific benefits or advantages that she has obtained ever since she became a member thereof ;
- (f) whether the Indians that have led the Indian Delegation to the League year by year since India's affiliation have invariably led it ;
- (g) if so, the year in which and the names of Indians by whom such a delegation was led ;
- (h) whether the Indian Delegation ever made any recommendations to the League on behalf of India ; if so, the nature of these recommendations and how many of them were accepted or rejected by the League ;
- (i) how many Japanese and Chinese there are employed in the League Secretariat ;
- (j) how many Indians there are who are likewise employed and their names, length of service and manner of recruitment ;
- (k) what benefits or advantages India is expected to derive from the Intellectual co-operation with that aspect of the League of Nations ; and

- (l) the total amount that it costs India year by year for the Indian Delegation, delegation to the Intellectual co-operation and the like delegations from India ?

Sir Lancelot Graham : (a) India is at present assessed at the rate of 56 units out of a total of 986 units and her net contribution for 1931 amounts to 1,705,811.54 gold francs, which is equivalent to 8,66,419.579 rupees.

(b) The amount of the annual contribution by India and all other Member States was first settled at the First Session of the Assembly of the League in accordance with the terms of Article VI of the Covenant which originally read " The expenses of the Secretariat shall be borne by the Members of the League in accordance with the apportionment of the expenses of the International Bureau of the Universal Postal Union ".

(c) The Delegates of India to the First Session of the Assembly of the League, i.e., Sir William Meyer, His Highness the Maharaja Jam Saheb of Nawanagar and Sir Saiyid Ali Imam.

(d) and (e). The purpose of the League is declared in the Covenant to be to promote international co-operation and to achieve international peace and security. It does not exist for the purpose of conferring specific benefits and advantages on the individual members thereof. The only right and privilege accruing to any member of the League as such is the right and privilege of assisting in the fulfilment of the purpose of the League.

(f) It is regretted that this part of the question is not understood.

(g) The Indians who have led previous Delegations to the Assembly are :

Sir Muhammad Habibullah in 1929 and His Highness the Maharaja of Bikaner in 1930. Sir B. L. Mitter is leading the Delegation to this year's Assembly.

(h) The answer to the first part is in the negative and the second part does not arise. I would add that having regard to the purpose of the League as stated in the reply to parts (d) and (e) it is no part of the functions of any member of the League to make recommendations to the League on its own behalf.

(i) and (j). The latest staff list of the League and all the information available to the Government of India will be found on pages 1253 to 1267 and 1271 to 1280 of the Official Journal of the League—October, 1930—a copy of which is in the Library.

(k) The Honourable Member is referred to pages 43-45 of the publication " The Aims and Organisation of the League of Nations ", a copy of which is in the Library, for an account of the International Institute of Intellectual Co-operation and its governing body—the Committee on Intellectual Co-operation.

(l) The Honourable Member is referred to the Annual Demands for Grants.

REPRESENTATIVES RECOMMENDED BY BIHAR AND ORISSA FOR THE ROUND TABLE CONFERENCE.

381. ***Mr. Bhuput Sing** : Will Government be pleased to state :

- (a) whether any new names were sent in by the Bihar and Orissa Government to the Government of India for the forthcoming Round Table Conference ;
- (b) if the answer to part (a) is in the affirmative :
 - (i) whether any of those names was accepted by the Government of India and sent up to His Majesty's Government ; and
 - (ii) whether any of those names was accepted by His Majesty's Government ; and
- (c) whether the Government of Bihar and Orissa made any special attempts this year for the representation of Orissa interests on the Round Table Conference ; if so, the nature of those attempts ?

The Honourable Sir George Rainy : (a), (b) and (c). I would refer the Honourable Member to the reply which I gave on the 26th January, 1931, to his unstarred question No. 18 on the same subject.

SAD PLIGHT OF REPATRIATED INDIAN EMIGRANTS.

382. ***Mr. Bhuput Sing** : Will Government be pleased to state :

- (a) whether or not representations have occasionally been made to them or reports have come to their knowledge of the sad and miserable plight of repatriated Indian emigrants on their return to the mother-country ; if so, the step or steps which the Government of India have themselves taken or have asked the Provincial Governments of Madras and Bengal from time to time to take for the amelioration of the distress of such emigrants ;
- (b) whether or not indentured immigration was once promoted and controlled by them ; and
- (c) whether the indentured immigration system was a voluntary and spontaneous movement on the part of Indians ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Reports that Indian emigrants generally do not feel happy on their return to India have come to the notice of Government. Some of the returned emigrants were aided by the Government of Fiji and the Government of British Guiana to go back to their respective Colonies. The Government of India made an attempt to find an outlet for some of the others in Malaya, but the attempt proved abortive. As regards the emigrants returning from South Africa under the assisted emigration scheme, Local Governments concerned have been requested to make arrangements for their reception and for rendering them necessary assistance in finding suitable occupation. In the United Provinces, the Director of Industries is in charge of these arrangements, while in Bihar and Orissa the Registrar of Co-operative Societies has been appointed to receive and look after assisted emigrants returning to that province. In Madras, the Government of India

have appointed a Special Officer with the necessary staff. For the working of this organisation I would refer the Honourable Member to the Report of the inquiry held by Messrs. Natesan and Gray in April 1930. A copy of the Report will be found in the Library of the House.

(b) The attitude of the Government of India towards emigration was one of neutrality and not of encouragement. Their control consisted in minimising the abuses by legislating against unlicensed recruiting and by requiring a recruit to appear before a Magistrate in order to ensure that he understood clearly the terms of his engagement. They also took the necessary steps to provide for the welfare of emigrants up to the date of their embarkation as well as on the voyage.

(c) As emigration is a venture undertaken for profit, inducements have to be offered to a person to emigrate. But it is not impossible that when the system of indenture was in force, some of the recruiting agencies may have adopted undesirable methods.

DIRECTORY OF COMMODITIES AVAILABLE ON THE BENGAL NAGPUR RAILWAY SYSTEM.

383. ***Mr. Bhuput Sing :** Will Government be pleased to state :

- (a) whether they are aware of the existence of a directory of commodities available on the Bengal-Nagpur Railway system :
- (b) if so, whether they will send for a copy of the same and place it in the Library for the inspection of the Honourable Members ; and
- (c) the name of any State Railway that has published such a directory by which traders and consumers are brought into touch with respect to commodities which are obtained from stations on that system ?

Mr. A. A. L. Parsons : (a) and (b). The Bengal Nagpur Railway Administration have prepared a directory of commodities available on their system and a copy has been placed in the Library for the inspection of Honourable Members.

(c) State-managed and State-owned Railways that have published similar lists are the East Indian, Great Indian Peninsula, and Assam Bengal Railways, while the Eastern Bengal and North Western have a similar publication under preparation.

STOPPAGE OF RECRUITMENT FOR THE I. C. S. AND OTHER IMPERIAL SERVICES.

384. ***Mr. Bhuput Sing :** Will Government be pleased to state :

- (a) whether it is a fact that there will be no recruitment in India for the I. C. S. and Finance Service during the present and the coming years on the score of retrenchment ;
- (b) if the answer to part (a) is in the affirmative, whether there will be also a stoppage of recruitment for the I. C. S. in England ; and
- (c) whether there will be no recruitment in England for any of the other Imperial Services in India during the present and coming years ?

The Honourable Sir James Orerar : (a) and (b). There has been no decision to stop recruitment for the Indian Civil Service either in India or in England. As regards what the Honourable Member calls the Finance Service, it has been decided that no examination will be held this year for appointment to the Indian Audit and Accounts Service, the Military Accounts Department and Indian Railway Accounts Service. The decision was taken because no vacancies are expected to occur in those services next year : whether an examination will be held in subsequent years will depend upon circumstances.

(c) Recruitment will be made in England this year for the Indian Police Service and the Indian Medical Service. There has been no decision to stop recruitment in England in future years to the Imperial Services.

POSSIBILITY OF REDUCTIONS OF PAY AND PENSIONS OF GOVERNMENT SERVANTS.

385. *Mr. G. Morgan : Will Government be pleased to state :

(a) whether it is permissible under the Regulations and whether it is the practice of Government to reduce the pay of their officers, except for misconduct ; and

(b) whether, if pay is so reduced, the pensions of officers would be affected ?

The Honourable Sir George Schuster : (a) If the question refers to action which might be taken in the case of an individual officer, the answer would certainly be in the negative. If, however, it refers to the possibility of general reductions affecting the whole class of Government officials, different considerations might conceivably apply.

(b) It certainly would not necessarily follow that in the case of a general reduction of pay the pension rights of the officers concerned would be affected.

Mr. G. Morgan : Under the new financial proposals, will the reduction of pay of an officer on the eve of retirement affect the pension of that officer ?

The Honourable Sir George Schuster : I have already informed the Honourable Member that it would not necessarily follow.

Mr. B. Das : May I inquire if it is not the paramount right of the executive of a Government to reduce the salaries of its officials in a time of national emergency ?

The Honourable Sir George Schuster : My Honourable friend has asked a question which raises a good many complicated considerations. The expression " paramount right " I find difficult to understand. I have no doubt the Honourable Member will have other opportunities of raising this matter.

Mr. Jagan Nath Aggarwal : Is it within the competence of the Indian Legislature to reduce the salary of Government servants ?

The Honourable Sir George Schuster : The Honourable Member is aware that there are certain officials whose rights are definitely guaranteed to them under the Government of India Act. It is certainly not within the competence of this Legislature to reduce the salaries of those officials.

Mr. Gaya Prasad Singh : May I take it that the salaries of these officials cannot be retrenched without the Act being modified or changed—the salaries of those officials which have been guaranteed ?

May I also inquire whether it is not open to the Retrenchment Committee to recommend the reduction of those salaries ?

The Honourable Sir George Schuster : The Honourable Member has raised two very different questions. It is certainly within the power of the Retrenchment Committee to make any recommendations they like, but the power to make those recommendations effective is quite a different question. On that I think my Honourable friend's statement of the position is in substance correct.

Mr. Amar Nath Dutt : Has any amount been guaranteed to Government servants under the Government of India Act ? I have not been able to find out anything on that point ?

The Honourable Sir George Schuster : Under section 96B of the Government of India Act, the officials who are protected by that section are guaranteed their existing and accruing rights.

Mr. Gaya Prasad Singh : May I know whether the Government of India have asked the Secretary of State whether he will allow a reduction of the salaries of those who are protected under the Government of India Act, in case the Retrenchment Committee makes those recommendations ?

The Honourable Sir George Schuster : That is a question to which I am afraid I can give no reply.

REFUND OF HAJ PILGRIM PASSAGE MONEY.

386. *Khan Bahadur Haji Wajihuddin : Will Government be pleased to state :

- (a) whether they are aware that owing to certain defects in the relevant regulations affecting the refund of Haj pilgrim passage money thousands of rupees were claimed and recovered by the shipping companies from the Commissioner of Police, Bombay, or directly appropriated by them as their own money, though in reality the amount belonged to the pilgrims and should have lapsed to Government for the relief and repatriation of destitute pilgrims, in the event of there being no claimants to the same ;
- (b) the amount so appropriated every year since the year 1926 ;
- (c) whether there is any provision in the Indian Merchant Shipping Act authorising Government to inspect the books of shipping companies with a view to ascertain the amount of unused and unclaimed tickets that has lapsed to them ; if not, whether Government are prepared to take necessary action in the matter ; and
- (d) whether they are aware that a certain shipping company has consistently evaded payment to the legal heirs of deceased pilgrims when they applied for refund of return passage money through the Commissioner of Police, Bombay, and, if so, whether Government will please state the name of the company and the action taken by the

Commissioner of Police, Bombay, and, if no action was taken by him whether Government propose to do the needful in the matter ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Hussain : (a) Yes.

(b) The information is not available as the Pilgrim Department have no means of ascertaining such figures from the books of the shipping companies concerned.

(c) The reply to the first part of the question is in the negative. The suggestion made in the second part will be considered when legislation is undertaken to amend the Indian Merchant Shipping Act in connection with the recommendations of the Haj Inquiry Committee.

(d) One of the companies referred to is Messrs. Haji Sultan Ali Shushtary and Company. In retaining sums paid on account of such tickets, the shipping companies apparently claim that they have only exercised their legal rights. It is understood that a suit is to be filed against the Company by the Bombay Haj Committee.

COST OF ROYAL COMMISSIONS AND COMMISSIONS.

387. ***Mr. G. Morgan :** Will Government be pleased to furnish a list and state the total cost to India of all Royal Commissions and other Commissions since and including the Inchcape Committee ?

The Honourable Sir George Schuster : The information asked for by the Honourable Member is being collected and will be supplied as soon as it is complete.

CONVICTIONS OF CONGRESSMEN AFTER THE IRWIN-GANDHI AGREEMENT.

388. ***Rai Bahadur Sukhraj Rai :** Will Government be pleased to state :

- (a) the total number of convictions under different offences of Congressmen in various parts of India after the Irwin-Gandhi agreement ;
- (b) the different sections of the Penal Code under which the convictions have been made and the names of the persons who have been convicted and their official connection with the Congress ; and
- (c) whether any of these convictions were for breaches of the Delhi truce terms on the part of Congressmen ; if so, the total number of these ?

The Honourable Sir James Crerar : (a), (b) and (c). The Settlement of the 5th of March, 1931, involved no suspension or abrogation of the ordinary law and, in so far as members of the Congress have been convicted under the law for offences committed by them, they stand on the same footing as other members of the public. It may be similarly observed that the individuals, if any, in question have been convicted, not as members of Congress, but because of the commission of offences. This being so, the Honourable Member will doubtless agree with me that no conclusion of value could be derived from the figures for which he has asked, and, since their collection will be a matter of great difficulty to

Local Governments, I regret that I am not prepared to place this burden on them.

EXPORTATION OF MONKEYS AND BIRDS TO AMERICA.

389. *Rai Bahadur Sukhraj Rai : Will Government be pleased to state :

- (a) whether their attention has been drawn to the letter of Miss Margaret E. Cousins, International Representative of the Women's Indian Association from New York, U. S. A. on the subject of " The Cruelty of Exporting Monkeys " as published in the *Leader* of 6th August, 1931 ;
- (b) if so, whether any steps are being taken to inquire into the allegations contained therein regarding the export of monkeys and pretty birds from India to America and the sufferings of these creatures while on transit and their use on reaching their destination ; and
- (c) if it is proposed to secure the enactment of some law to prevent the exportation of such monkeys and birds for commercial purposes ?

The Honourable Sir James Crerar : (a) Yes.

(b) and (c). As the Honourable Member is aware the prevention of cruelty to animals is a provincial subject under the Devolution Rules and the matter is essentially one for the Local Governments concerned to take action. I propose to send copies of the question and this answer to all Local Governments.

SEVERANCE AND EXHIBITION OF THE HEADS OF CERTAIN BURMESE REBELS.

390. *Rai Bahadur Sukhraj Rai : Will Government be pleased to state :

- (a) whether any punishment has been meted out to those officers who were guilty of cutting off the heads of Burmese rebels and exposing these to public view, a photograph of which appeared in the papers ;
- (b) if so, what is the nature of the punishment and what steps have been taken to prevent the recrudescence of such an incident in future ?

The Honourable Sir James Crerar : I would refer the Honourable Member to the Resolution issued by the Government of Burma on the subject on the 8th July, 1931. A copy of it has been placed in the Library.

JAIN HOLIDAYS.

391. *Rai Bahadur Sukhraj Rai : (a) Are Government aware that the Jains have got special festivals of their own which they observe with great sanctity ?

(b) Is it a fact that the Jains form a large part of the population in some cities of India ? If so, do Government propose to grant local holidays on the occasion of important Jain festivals in these cities ?

The Honourable Sir James Crerar : (a) Yes.

(b) The information asked for by the Honourable Member in the first part of his question will be found on pages 25—38 of Volume I, Part II of the Census of India Report, 1921. The question of granting local holidays for Jains is a matter for Local Governments under section 25 of the Negotiable Instruments Act, 1881.

INCOME-TAX PAID BY JAINS.

392. ***Rai Bahadur Sukhraj Rai :** Will Government be pleased to state what is the amount of income-tax which the Jains pay to Government and what is its percentage to the total amount collected on these sources ?

The Honourable Sir George Schuster : The income-tax returns are not compiled in such a way as to distinguish between members of different communities.

393. NUMBER OF JAINS IN GOVERNMENT SERVICES.

393. ***Rai Bahadur Sukhraj Rai :** Will Government be pleased to state what is the total number of Jains in the Imperial Civil and Executive Services and what is their proportion to the total number so employed ?

The Honourable Sir James Crerar : I regret that the information the Honourable Member desires is not readily available. As the labour involved in collecting it would hardly be commensurate with the value of the results obtained, I am unable to undertake to collect it.

RETRENCHMENT OF INDIAN STAFF ON THE EASTERN BENGAL RAILWAY.

394. ***Rai Bahadur Sukhraj Rai :** (a) Are Government aware that considerable resentment prevails among the employees of the Dacca section of the Eastern Bengal Railway owing to heavy retrenchment effected recently in its Indian staff only consisting of compulsory premature retirement, reduction of salary and placing higher grade men in a lower grade carrying a lesser scale of pay ?

(b) Is it a fact that employees who have put in long years of toiling and faithful services have not even been spared ?

(c) Is further reduction in contemplation ?

(d) Is the Dacca section the smallest railway district on the line, and is it a fact that the number of working hours has been pushed to the irreducible minimum ?

(e) Is it a fact that not a single European has been touched, while 180 Indians have been discharged from the Dacca Loco. workshop ?

(f) Has no retrenchment been made in higher service such as in the rank of District officers or of Assistant Traffic Superintendents ?

Mr. A. A. L. Parsons : I have called for information from the Agent, Eastern Bengal Railway, and will communicate with the Honourable Member on its receipt.

INDIANS THROWN OUT OF WORK IN MALAYA.

395.***Rai Bahadur Sukhraj Rai** : (a) Has the attention of Government been drawn to a Negapatam message stating that a very large number of labourers has arrived there from Malaya ?

(b) Is it a fact as reported that the factories which were partially working having completely closed down, the number of Indians thrown out of work in Malaya has come to about 30,000 and they will be sent back to this country as soon as possible ?

(c) Does this message put the last years' repatriation to South India at 80,000 ?

(d) What step or steps do the Government of India propose to take to give relief to the Indians in Malaya so unemployed, including those who have come to India ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b), (c) and (d). It is not understood to which message the Honourable Member is referring, but Government are aware that, owing to acute depression in the rubber and tin industries in Malaya, the employers have been forced to discharge a very large number of Indian labourers. The number of repatriates during the year 1930 was 77,761. In the first seven months of the current year, the number was 32,456. They have all been repatriated free of cost. The Government of India do not consider that any special measures of relief are required for these returned emigrants on arrival in India.

RETRENCHMENT IN SALARIES ON STATE RAILWAYS.

396.***Rai Bahadur Sukhraj Rai** : (a) Will Government be pleased to state the percentage of expenditure on salaries of the lower grade staff drawing less than Rs. 250 per month to the upper grade staff in Railways managed by the State ?

(b) What steps do Government propose to take to make retrenchment in the high salaries of the upper grade staff ?

(c) Is it proposed to leave the salaries of the lower grade staff unaffected in view of the very small savings that this will effect ?

(d) How many lower grade staff men have been dismissed to make retrenchment during the last three months ? Are there any non-Indians in this list ?

(e) How many upper grade staff men drawing salaries above Rs. 250 have been dismissed to make retrenchment and have all the superfluous posts been abolished ?

Mr. A. A. L. Parsons : (a) Government have no precise information, but on a rough estimate the cost of staff on scales of pay rising to Rs. 250 and over on State-managed Railways is one quarter of the cost of the staff in the lower grades.

(b) and (c). The question is being examined generally.

(d) Taking all State and Company-managed Railways, about 32,500 men in the lower grades have been discharged as a result of the present economy campaign. The answer to the latter part is in the affirmative.

(e) About 131 men on rates of pay higher than Rs. 250 have been discharged. The question of abolishing all posts regarded as definitely superfluous is under consideration.

SEPARATION OF THE OFFICE OF THE DISTRICT AND SESSIONS JUDGE, AJMER, FROM THAT OF COMMISSIONER AND COLLECTOR, AJMER-MERWARA.

397. ***Sardar Sant Singh** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that the Commissioner and Collector of Ajmer-Merwara, who is an officer of the Political Department of the Government of India, is also the District and Sessions Judge, Ajmer ?

(b) Have Government received any complaints that this concentration of all executive and judicial powers in the said officer of the Political Department has been disadvantageous to public justice in Ajmer-Merwara ?

(c) Do Government propose to take steps to separate the office of the District and Sessions Judge, Ajmer, from the office of the Commissioner and Collector, Ajmer-Merwara ? If so, when ? If not, why not ?

Mr. E. B. Howell : (a) Yes.

(b) Government know of no case in which the system has been detrimental to "public justice", nor has any expression of dissatisfaction on the part of the public come to Government's notice.

(c) No. There is at present an Additional District and Sessions Judge who does the bulk of the work. The principal advantage of the present system, by which the Commissioner is Sessions Judge, is that he can exercise more control over the Magistrates in the district, as he hears appeals from their decisions and is therefore in close touch with their work. He is also as District Judge sometimes in a better position to decide civil cases affecting the *Istimrardars*. The present system, which is convenient, economical and adapted to the somewhat peculiar conditions of this district, has on the whole worked well. If a separate post of District and Sessions Judge were created in place of the present appointment of Additional District and Sessions Judge, extra expenditure would be involved.

ABOLITION OF THE COURT OF THE JUDICIAL COMMISSIONER OF AJMER-MERWARA.

398 ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that the Court of the Judicial Commissioner, Ajmer-Merwara, is the highest court of appeal in the province ?

(b) Is it a fact that the said Judicial Commissioner of Ajmer-Merwara is also the Judicial Commissioner of Rajkot in Kathiawar ?

(c) Is it a fact that the said Judicial Commissioner holds his Court for 6 months in a year at Rajkot in Kathiawar ?

(d) Are Government aware that during the Judicial Commissioner's stay at Rajkot, litigants from Ajmer have to incur heavy expenditure of time and money in going over to Rajkot in connection with the appeals and other judicial proceedings in the Court of the said Judicial Commissioner ?

(e) Is it a fact that formerly there did not exist the Court of the Judicial Commissioner of Ajmer-Merwara and that appeals from Ajmer-Merwara were allowed to be heard in the High Court of Allahabad ?

(f) Are Government aware that litigants from Ajmer-Merwara found greater facilities, and more efficient legal advice, at Allahabad than at Rajkot ?

(g) Is it a fact that in the Allahabad High Court appeals from Ajmer-Merwara were heard by a bench of judges, whereas in the Court of the Judicial Commissioner the appeals are heard only by a single judge ?

(h) Is it a fact that the Judicial Commissioner of Ajmer-Merwara is an I. C. S. officer appointed to this office by the Government of India in the Foreign and Political Department, whereas the Judges of the High Court of Allahabad are appointed by the Crown ?

(i) Is it a fact that the creation of the post of the Judicial Commissioner of Ajmer-Merwara imposed an additional burden on Central revenues ?

(j) If what are stated at parts (a) to (i) above are facts, do Government propose to abolish the Court of the Judicial Commissioner of Ajmer-Merwara and to arrange for the filing of appeals from Ajmer-Merwara in the High Court of Allahabad ?

Mr. E. B. Howell : (a) Yes.

(b) Yes.

(c) Yes.

(d) The Judicial Commissioner fixes hearings of Ajmer-Merwara cases during his periodical visits to Ajmer. It is only in exceptional cases that "litigants" from this district need go to Rajkot.

(e) Prior to the enactment of the Ajmer Courts Regulation, 1926, and the appointment of the Judicial Commissioner for Ajmer-Merwara all the work of a High Court for Ajmer-Merwara was done by the Agent to the Governor General and Chief Commissioner in addition to his other executive and political duties as Agent to the Governor General and Chief Commissioner. The Regulation then in force in Ajmer-Merwara was the Ajmer Courts Regulation, 1877 (I of 1877), which has now been superseded by the new Courts Regulation IX of 1926. Under section 23 of the old Regulation of 1877, the Court of the Chief Commissioner was the highest Civil Court of appeals in Ajmer-Merwara, but all references under Chapter XLVI of the Civil Procedure Code or under section 11 of the Provincial Small Cause Courts Act were made in the High Court at Allahabad.

(f) This has never been suggested to Government before. There were, however, complaints of the difficulty and inconvenience which the necessity of going to Allahabad involved.

(g) Reply is in the affirmative.

(h) Yes. Under section 3 (1) of the Ajmer Courts Regulation, 1926, the Judicial Commissioner for Ajmer-Merwara, is appointed by the Governor General in Council, whereas under section 101 (2) of the Government of India Act, Judges of High Courts of Judicature established in British India by letters patent are appointed by His Majesty the King and hold this office during His Majesty's pleasure—*vide* the quoted section.

The Judicial Commissioners appointed for Ajmer-Merwara have been senior and experienced judicial officers of the Bombay Presidency most of whom have subsequently become Judges of the Bombay High Court.

(i) Presumably. The pay of the Judicial Commissioner is debited wholly to the Western India States Agency budget and only his travelling allowance in connection with his journeys to Ajmer and for halts at that station is paid from the Ajmer-Merwara Budget.

(j) No. The adoption of the course suggested would be strongly resented by the public of Ajmer-Merwara, who much appreciate the facilities which the appointment of a Judicial Commissioner for Ajmer-Merwara has provided for them.

NON-TRANSFER OF JUDICIAL OFFICERS FROM AJMER-MERWARA.

399. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that, unlike the magistrates and judicial officers of the province of Delhi, the magistrates and judicial officers of Ajmer-Merwara (other than those in the Indian Civil Service and military officers in the civil employ of the Government of India) do not belong to the cadres of other provinces but have their own cadre ?

(b) If the reply to part (a) above is in the affirmative, is it also a fact that the said Provincial Service magistrates and judicial officers of Ajmer-Merwara are not transferable to any other district and continue to occupy posts in the same district, without change to any other district, till retirement or death ?

Mr. E. B. Howell : (a) Yes.

(b) Yes ; unless—as not infrequently happens—their services are lent to States in Rajputana.

PROMOTION OF MINISTERIAL OFFICERS IN AJMER-MERWARA TO BE MAGISTRATES AND JUDICIAL OFFICERS.

400. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that almost all the Provincial Service magistrates and judicial officers of Ajmer-Merwara and persons born, bred, educated, and employed in service in Ajmer-Merwara ?

(b) Is it a fact that many Provincial Service magistrates and judicial officers of Ajmer-Merwara are persons who have been promoted to the judicial posts from the posts of clerks and ministerial officers ? If so, why has this policy been adopted ?

Mr. E. B. Howell : (a) No.

(b) Yes. The field for recruitment in Ajmer-Merwara is small. There are few other avenues of promotion in the district, but such promotions are only made with due regard to qualifications. Persons so promoted have in most cases proved to be very capable judicial officers.

Rai Sahib Harbilas Sarda : Are Government aware that out of 6 judicial officers in Ajmer-Merwara, namely, the Additional District and Sessions Judge, the Sub-Judge, Ajmer, the Judge, Small Cause Court, Ajmer, the Railway Magistrate, Ajmer, the Sub-Judge, Bewara, and the City Magistrate, Ajmer, not one is an Ajmer-Merwara man, but they all belong to the United Provinces, to Bombay or to the Punjab, and one

belongs to the Alwar State, and that out of the 7 executive officers, including the Forest Officer and the Registrar, Co-operative Stores, only four may be said to be Ajmer-Merwara men, in any sense of the term ?

Are Government also aware that it is the standing grievance of the people of Ajmer-Merwara that people from the United Provinces, the Punjab and other provinces are given gazetted appointments in Ajmer-Merwara, while the educated young men of Ajmer-Merwara are ineligible for gazetted appointments in any of these provinces ?

An Honourable Member : Ineligible ?

Rai Sahib Harbilas Sarda : Yes, because they are all Provincial Service appointments and Ajmer-Merwara men are not allowed to enter the Provincial Services in other provinces.

Mr. K. Ahmed : I rise to a point of order. Under the rules and Standing Orders.....

Mr. Deputy President : Is it a point of order ?

Mr. K. Ahmed : Yes.

Mr. Deputy President : What is the point of order ?

Mr. K. Ahmed : The point of order is that according to the rules and Standing Orders, the Honourable Member, the questioner, is not entitled to put a question in that form, which is not only lengthy, but which infringes the conditions of the rules.

Mr. Deputy President : The Honourable Member's question is perfectly in order.

Mr. E. B. Howell : Government have not such precise information on these points as the Honourable Member has, Sir, but I take it that the position is as stated. The dissatisfaction on the part of the people of Ajmer-Merwara to which he alludes has not previously been brought to the notice of Government.

Rai Sahib Harbilas Sarda : With regard to sub-clause (b) of question 400, is it also a fact that out of the 6 judicial officers who do exclusively criminal or civil work, two are Barristers-at-Law, and the remaining four are B.A., LL.Bs. or M.A., LL.Bs. ?

Mr. E. B. Howell : Yes, Sir.

APPOINTMENT OF MAGISTRATES AND JUDICIAL OFFICERS IN AJMER-MERWARA FROM A MAJOR PROVINCE.

401. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that many of the Provincial Service magistrates and judicial officers of Ajmer-Merwara are the sons of clerks in the Government service ?

(b) Do Government propose to make arrangements for the appointment of Provincial Service magistrates and judicial officers of Ajmer-Merwara from the cadre of such officers in some major province, like the Punjab or the United Provinces, to ensure the periodical transfer of such officers from the district of Ajmer-Merwara ?

Mr. E. B. Howell : (a) No.

(b) No. The effect of such an arrangement, if adopted, would be to debar local candidates from getting Government employment. They are not as a rule eligible for appointments in other provinces, which naturally give preference to their own candidates. It would also mean that employees in the lower grades of service would be to a large extent deprived of the possibility of promotion to the higher grades as a reward for meritorious services.

Rai Sahib Harbilas Sarda : Are Government aware that if Magistrates and Judges for Ajmer-Merwara are taken from those on the cadre of other provinces, outside Ajmer-Merwara, whether major or minor, Government would be perpetrating the grossest injustice to the Province of Ajmer-Merwara (*Cries of "Hear, hear"*), and that their doing so would be bitterly resented by all classes and creeds in that province and regarded as nothing but *zulum*. (*Cries of "Hear, hear"*) ?

Mr. B. Das : Is it not a fact, Sir, that Ajmer-Merwara is considered a backward area by the Government of India ?

Mr. Gaya Prasad Singh : Is it more backward, Sir, than Orissa ?

Mr. Amar Nath Dutt : Is it not a fact, Sir, that Ajmer-Merwara has produced one of the greatest legislators of the present day, whose name resounds from one end of India to the other ? (Applause.)

Mr. E. B. Howell : Yes, Sir. (Applause.)

DILATORY METHODS OF CIVIL COURTS IN AJMER-MERWARA.

402 ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Have Government received any complaints that the functioning of civil courts in Ajmer-Merwara is dilatory and that the said courts spend too much time even in minor cases ?

(b) Is it a fact that the actual period of work of a judicial officer in Ajmer-Merwara does not extend beyond 3 hours on a working day ?

(c) Is it a fact that the same witnesses are summoned by the Ajmer courts on several sittings of the court and their evidence is postponed without hearing from sitting to sitting ?

(d) Is it a fact that in the Ajmer civil courts generally a long period of time intervenes between one hearing of the case and the next hearing of the case ?

Mr. E. B. Howell : With your permission, Sir, I will answer questions 402 and 403 together.

Question No. 402 (a), (c) and (d) and Question No. 403 (a).—So far as the suggestions contained in these questions involve a comparison between the procedure in Ajmer-Merwara and the procedure in other provinces, Government are not in a position to answer them. Instances of avoidable delay and unnecessary postponement do undoubtedly occur in Ajmer-Merwara, as elsewhere.

Question No. 402 (b).—No.

Question No. 403.

(a) and (b). No such general complaint has ever come to the notice of Government.

(c) No.

FREQUENT POSTPONEMENT OF CASES IN THE AJMER CIVIL COURTS.

†403. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Are Government aware that in the Ajmer civil courts dates of hearing of cases are postponed with too much frequency ?

(b) Is it a fact that injunctions issued by the Ajmer-Merwara civil courts are generally disobeyed and no action is taken on such disobedience by the said courts ?

(c) Do Government propose to appoint a commission of inquiry consisting of members from outside the provinces to inquire into the working of the Ajmer-Merwara judicial courts ?

GUARDING OF CULVERTS IN EASTERN BENGAL DURING FLOODS.

404. ***Mr. Bhuput Sing** : Will Government be pleased to state :

(a) whether it is a fact that culverts and causeways on the Eastern Bengal Railway were kept guarded by Gurkha sepoy during the high floods recently in East Bengal :

(b) if the answer to part (a) is in the affirmative, the reasons for such a vigilance on the part of the railway administration ; and

(c) whether the committee that inquired into the Rangpur floods some years back gave it as their opinion that the floods there were due to unspacious and inadequate culverts and causeways on the permanent track on the Eastern Bengal Railway ?

Mr. A. A. L. Parsons : (a) to (c). The information has been called for from the Railway Administration and will be communicated to the Honourable Member on receipt.

PASSPORTS FOR PERSONS LEAVING INDIA.

405. ***Bhai Parma Nand** : (a) In what year and under what circumstances, was the system of compulsory passports introduced in India for persons desirous of travelling out of the country ?

(b) Is it not a fact that those circumstances which necessitated introduction of this system have long since ceased to exist ?

(c) Does such a system of compulsory passports exist in any self-governing country and, if not, what is the necessity for it for the people of this country ?

(d) Do Government propose to abolish it ? If so, when ?

Mr. E. B. Howell : (a) I will refer the Honourable Member to the answer given by me to a similar question by Maulvi Sir Muhammad Yakub on the 24th of March, 1924, which runs as follows :

“ There is no Act or rule published by the Government of India which makes it compulsory for persons proceeding from India

†For answer to this question, see answer to question No. 402.

to England or to foreign countries on the Continent of Europe, to be in possession of passports before leaving this country. Passports are demanded of travellers by the authorities in the countries of destination."

(b) The remaining parts of the Honourable Member's question do not arise.

Mr. B. Das : When Indians leave for abroad, why is it that the Government of India through their police examine the passports at Bombay if they think that there is no necessity of passports ?

Mr. E. B. Howell : To save them from trouble and from being turned back on arrival at destination.

Sardar Sant Singh : Why then is the passport refused ?

Mr. E. B. Howell : That question does not arise out of the original question, Sir.

Mr. S. C. Mitra : That is for the President to decide. Is it for the Member to say, Sir, whether the question arises or not ? I submit that it is for the Chair to decide.

Mr. Deputy President : While the Chair has ultimately to decide whether a supplementary question arises or not, it is perfectly open to the Honourable Member to suggest to the Chair that the supplementary question does not arise.

Mr. S. C. Mitra : What, then, is your decision, Sir ?

Mr. Deputy President : Will the Honourable Member (Sardar Sant Singh) kindly repeat his question ?

Sardar Sant Singh : My question is that if the Government of India have no authority under any Act or enactment of the Indian Legislature to issue passports, then why are the passports refused ?

Mr. Deputy President : Do I take it that the Honourable Member wants to know the reason why the Government of India have refused the passports.

Sardar Sant Singh : I want to know whether the Government of India have any authority to refuse the passports ?

Mr. B. R. Puri : I take it that they are under no statutory obligation to issue it and hence they are entitled to refuse the passport.

Mr. C. B. Elliott : Is not a passport a mere convenience of travel issued in India and in England ?

Mr. E. B. Howell : Yes, Sir ; and it is also a certificate of nationality.

Mr. K. Ahmed : Is it not a fact that a traveller going out of India towards the West will find it very inconvenient, if he is without a passport, when his identity is asked for by the officers of a foreign nation in a foreign country ?

Mr. E. B. Howell : Yes, Sir.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state whether passports are, as a matter of fact, refused to Indians or no ?

Mr. E. B. Howell : I submit, Sir, that that question does not arise out of the original question.

Mr. Deputy President : I agree that that question does not arise out of the original question.

Bhai Parma Nand : Can I travel outside India without having a passport from the Government of India ?

Mr. E. B. Howell : The Honourable Member can certainly leave India without a passport, but he will not be permitted to land in any country that I know of, and he will have to come back.

Mr. Jagan Nath Aggarwal : I would like to know the legal justification for the refusal of passports ?

Mr. Deputy President : I do not think that question will arise out of this question.

Mr. Jagan Nath Aggarwal : Will it not arise out of the answer, Sir ?

REDUCTION OF *Dusehra* HOLIDAYS IN THE ARMY HEADQUARTERS OFFICES.

406. ***Bhai Parma Nand :** (a) Are Government aware that the *Dusehra* is the most important national festival of the Hindus recognised throughout India ?

(b) Are Government aware that there is a great feeling among the Hindu employees of the establishments controlled by the Army Headquarters on account of the reduction of *Dusehra* holidays from four days to only one ?

(c) If Government are not prepared to keep up the old number for *Dusehra* in general holidays, are they prepared to allow three more days for the communal holidays ? Has this been done in the case of *Muharram* ?

The Honourable Sir James Crerar : (a) Yes.

(b) No.

(c) The sanctioned arrangements provide for one closed holiday for all communities and two or three sectional holidays in addition for Hindus at *Dusehra*. There is the same distribution of holidays for Muhammadans at *Moharram*. Government do not see any reason to modify these arrangements.

REPRESENTATION OF MUSLIMS IN GOVERNMENT SERVICES.

407. ***Mr. S. C. Mitra :** (a) Is it a fact that Government have accepted the principle of proportional representation of Muslims in the services ?

(b) Will Government be pleased to state the number of Bengal Muslims, Punjab Muslims and Muslims of other provinces appointed in the superior services under the Government of India during the last five years ?

(c) Will Government be pleased to state the number of Bengal Muslims, Punjab Muslims and Muslims of other Provinces appointed in the Subordinate Services under the Government of India during the last five years ?

The Honourable Sir James Crerar : (a) No such principle of proportional representation has been accepted in respect of any community.

(b) and (c). The information is not readily available and cannot be collected without an amount of labour which would be wholly disproportionate to the results.

APPOINTMENT OF A BENGALI MUSLIM TO THE EXECUTIVE COUNCIL OF THE GOVERNOR GENERAL.

408. ***Mr. S. C. Mitra :** Will Government be pleased to state the number of times a Bengal Muslim has been appointed as Executive Council Member of the Governor General's Executive Council ?

The Honourable Sir James Crerar : No Muslim from Bengal has so far been appointed a Member of the Governor General's Executive Council.

Mr. B. Das : May I inquire, Sir, why the Muslims of Bengal have been slighted ?

The Honourable Sir James Crerar : I do not think that is a reasonable inference.

Mr. B. Das : May I inquire why the Punjab Muslims have got 50 per cent. representation on the Executive Council ?

Mr. K. Ahmed : Are the Government aware that 42 per cent. of the total Muslim population of India is from Bengal ? Why, then, have their claims been neglected ever since ?

The Honourable Sir James Crerar : I think, Sir, the Honourable Member will find the reply to his question in the Census Report.

Mr. K. Ahmed : Is the Honourable the Home Member aware why appointments to the Executive Council are not made from amongst the deserving Muslims of Bengal ?

The Honourable Sir James Crerar : The Governor General in Council has not got the authority which the Honourable Member appears to suppose.

Mr. K. Ahmed : Will the Governor General in Council, for the benefit of the people, consider the question of the appointment of a suitable Muhammadan in the near future ?

The Honourable Sir James Crerar : The authorities responsible will doubtless do so.

Mr. C. S. Ranga Iyer : Is it not a fact that these appointments go more by merits than by provincial considerations ?

The Honourable Sir James Crerar : Certainly, Sir.

Mr. Amar Nath Dutt : Is there not in the House, Sir, a very brilliant Muslim Barrister from Bengal who can be put in charge of the Department of Industries and Labour, because he has served on the Labour Commission recently and whose services have been highly spoken of by the Secretary of State ? (No answer was given.)

BENGAL AND OTHER MUSLIMS APPOINTED IN GOVERNMENT SERVICES.

409. *Mr. S. C. Mitra : (a) Will Government be pleased to state what ratio the Bengal Muslims bear to the total Muslim population of India ?

(b) Will Government be pleased to state what ratio the Punjab Muslims bear to the total Muslim population of India ?

(c) Will Government be pleased to state separately what ratio the number of Bengal Muslims appointed in (1) the superior services, (2) the subordinate services, and (3) the clerical services under the Government of India bear to the number of (1) Punjab Muslims and (2) Muslims of other provinces appointed in the above services during the last five years ?

(d) Will Government be pleased to state separately how many Bengal Muslims, Punjab Muslims and Muslims of other provinces have been appointed in the different divisions of the Government of India Secretariat and their attached offices during the last five years ?

The Honourable Sir James Crerar : (a) and (b). The ratios are about 36 per cent. and 19 per cent., respectively.

(c) and (d). I regret that Government have not the information the Honourable Member desires and are not prepared to place upon Departments the burden of collecting it. In regard both to this and question No. 407 I would remind the Honourable Member that Government have not undertaken to secure representation for provinces, either generally or in terms of particular communities.

Mr. S. C. Mitra : Arising out of the reply to part (c), will the Government be pleased to provide the information as regards the officers of the Imperial Services and other gazetted officers ?

The Honourable Sir James Crerar : I must ask the Honourable Member for notice of that question.

Mr. S. C. Mitra : Will the Honourable Member take this as a notice of the question ?

PAY OF EUROPEAN, ANGLO-INDIAN AND INDIAN APPRENTICES OF THE KHARAGPUR WORKSHOPS.

410. *Mr. S. C. Mitra : (a) Has the attention of Government been drawn to the questions concerning the Bengal Nagpur Railway Indian A. grade apprentices at Kharagpur Shops as they appeared in the *Bengal Nagpur Railway Employees' Journal* in its issue of May, 1931 ?

(b) Is it a fact that both the Indian and European apprentices are required to undergo the same course of training ?

(c) If so, do Government propose to put the Indian apprentices on the same grade of pay with the European and Anglo-Indian apprentices while under training and after they have finished their courses ? If not, why not ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to reply to questions Nos. 410 to 417, 419 and 421 together. I have called for certain information and shall communicate with the Honourable Member on receipt of a reply.

ALLEGED DISCRIMINATION AGAINST INDIAN APPRENTICES IN THE BENGAL NAGPUR RAILWAY.

†411. *Mr. S. C. Mitra : Are Government aware that in considering the removal of racial discrimination in the Bengal Nagpur Railway amongst the apprentices the authorities now require the Indian apprentices to pass the Board of Control apprenticeship admission examination after they have been admitted into the technical school for apprentices ?

QUALIFICATIONS OF ANGLO-INDIAN APPRENTICES ON THE BENGAL NAGPUR RAILWAY.

†412. *Mr. S. C. Mitra : (a) Is it a fact that according to the prospectus of Anglo-Indian apprentices at the Kharagpur Workshops, Bengal-Nagpur Railway the minimum qualification required is B. O. C. ?

(b) Is it a fact that there are many Anglo-Indian improvers who do not possess that qualification ? If so, why were they exempted ?

SCALES OF PAY OF APPRENTICES AT THE KHARAGPUR WORKSHOPS.

†413. *Mr. S. C. Mitra : (a) Is it a fact that as a result of the delay caused by the administration to remove the racial discrimination as directed by Government, apprentices at Kharagpur Workshops who have already completed or are going to complete their term of apprenticeship within a short time are being put under the old Indian scales ?

(b) Do Government propose to place these men on the revised scale ? If not, why not ?

REDUCTION IN NUMBER OF APPRENTICES IN THE KHARAGPUR RAILWAY WORKSHOPS.

†414. *Mr. S. C. Mitra : (a) Is it a fact that the maximum number of grade I apprentices to be employed in the Kharagpur workshops has now been fixed at 60 ?

(b) Is it a fact that there are at present 37 Anglo-Indian apprentices and 45 A. grade Indian apprentices and improvers now employed there, i.e., in all about 82 apprentices ?

(c) Are Government aware that there are some misapprehensions amongst those apprentices that 22 of the total number of 82 will be dispensed with before completion of their courses ?

(d) Will Government please state what are their intentions so far as those men who are already working in the workshops are concerned ?

CLASSIFICATION OF APPRENTICES ON THE BENGAL NAGPUR RAILWAY.

†415. *Mr. S. C. Mitra : (a) Do Government propose to remove the racial discrimination in Railways ?

(b) If so, do Government propose to ask the Agent, Bengal Nagpur Railway, to classify the present A. grade apprentices as grade I without any further delay ?

†For answer to this question, see answer to question No. 410.

PROVISION OF A HOSTEL FOR INDIAN APPRENTICES AT KHARAGPUR.

†416. ***Mr. S. C. Mitra :** (a) What arrangements are contemplated to provide the Indian A. grade apprentices with housing facilities in Kharagpur ?

(b) Do Government propose to build a hostel there as has been done for the Anglo-Indian apprentices ?

WITHDRAWAL OF PROVIDENT FUND BENEFIT FOR APPRENTICES ON THE BENGAL NAGPUR RAILWAY.

†417. ***Mr. S. C. Mitra :** Is it a fact that the Bengal Nagpur Railway authorities decided to withdraw the benefit of provident fund from the future Anglo-Indian apprentices ? If so, why ?

RECOMMENDATIONS OF THE WORKSHOP INQUIRY COMMITTEE.

418. ***Mr. S. C. Mitra :** Will Government be pleased to state the reasons for the delay in giving effect to the recommendations of the Workshop Inquiry Committee ?

Mr. A. A. L. Parsons : Government do not admit that there has been any delay in dealing with the recommendations of the State Railways Workshops Committee.

BONUS FOR INDIAN "A" GRADE RAILWAY APPRENTICES.

†419. ***Mr. S. C. Mitra :** (a) Is it a fact that the bonus for Indian A. grade apprentices has been sanctioned from 10th November 1930 ?

(b) Is it a fact that the apprentices are being usually recruited in the month of August ? If so, do Government propose to change the date of sanction to 1st August, 1930 ?

TEACHERS APPOINTED TO TECHNICAL SCHOOLS BY THE BENGAL NAGPUR RAILWAY.

420. ***Mr. S. C. Mitra :** (a) Is it a fact that the East Indian, Great Indian Peninsula and Eastern Bengal Railways appoint specially qualified teachers for their technical schools ?

(b) Is it a fact that the Bengal Nagpur Railway appoint some chargehands or draughtsmen without any special qualification as teachers for their technical schools ?

(c) If so, do they propose to change the system and appoint specially qualified teachers ? If not, why not ?

Mr. A. A. L. Parsons : I have called for information and will communicate with the Honourable Member on its receipt.

QUALIFICATIONS REQUIRED OF INDIAN AND NON-INDIAN RAILWAY APPRENTICES.

†421. ***Mr. S. C. Mitra :** (a) Is it a fact that apprentices of non-Asiatic domicile have been taken against the strength for which the Railway Board's sanction has not been obtained, and that in many cases out-of-course promotions and increments have been given ?

(b) Is it a fact that some of these men do not possess the B. O. C. certificate which is compulsory for the Indian bound A. grade apprentices ?

(c) If the answer to part (b) be in the affirmative, do Government propose to waive that condition in the case of Indian apprentices as well ?

DIFFERENCE IN PAY OF INDIAN, EUROPEAN AND ANGLO-INDIAN MECHANICS IN THE LILLOOAH WORKSHOPS, EAST INDIAN RAILWAY.

422. ***Mr. S. C. Mitra :** With reference to the reply to starred question No. 291 (d) of the 10th September, 1929, regarding difference in pay of Indian, European, and Anglo-Indian mechanics in the Lillooah Workshops, East Indian Railway, will Government be pleased to state whether it is a fact that Messrs. N. L. Sett and A. Beg were not discharged after the completion of their training as stated therein, but were in service ? If so, why were they not appointed as probationers along with the Anglo-Indians and confirmed on Rs. 160 after 6 months ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to answer questions Nos. 422 to 425 together. I am making enquiries from the Agent, East Indian Railway, and will communicate with the Honourable Member in due course.

EUROPEANS, ANGLO-INDIANS AND INDIANS APPOINTED AS MECHANICS IN THE LILLOOAH WORKSHOPS, EAST INDIAN RAILWAY.

†423. ***Mr. S. C. Mitra :** With reference to the reply to starred question No. 291 (a) of the 10th September, 1929, regarding appointments in the Lillooah Workshops, East Indian Railway, will Government be pleased to state the reasons why four Europeans and Anglo-Indians, and only one Indian have been appointed as mechanics ? Will they be pleased to state whether better qualified Indian candidates were also available for these posts and, if so, why were they not appointed in preference to the Anglo-Indians and Europeans as assured in the reply referred to above ?

RACIAL DISCRIMINATION IN THE APPOINTMENT OF APPRENTICES IN THE LILLOOAH WORKSHOPS.

†424. ***Mr. S. C. Mitra :** (a) Is it a fact that five vacancies in the grade of the mechanics occurred in the Lillooah workshop in 1931 ?

†For answer to this question, see answer to question No. 410.

‡For answer to this question, see answer to question No. 422.

(b) Is it a fact that these vacancies were filled up only from the junior apprentices who completed their training in 1931, while successful senior apprentices of 1930, were in the waiting list? If so, what were the reasons for not appointing the passed apprentices of 1930?

(c) Is it a fact that out of the five apprentices appointed in 1931, four are Europeans and Anglo-Indians and only one is an Indian? If so, will Government be pleased to state the reasons for the appointment of the four Europeans and Anglo-Indians in preference to other Indian apprentices of 1930 and 1931?

(d) Will Government be pleased to state whether the principle of the removal of all racial discrimination in matters of appointment in Railways in future has been accepted and if so, when will it be enforced? Do Government propose to appoint apprentices according to seniority and results of the final examination of the Jamalpore Technical School? If not, why not?

APPRENTICES TRAINED AND APPOINTED BY THE EAST INDIAN RAILWAY.

†425. ***Mr. S. C. Mitra** : Will Government please lay on the table a statement of the names of all apprentices who completed their training in 1930 and 1931, with their general and technical education and also the names of the workshops, where they have been provided with posts over the East Indian Railway?

ALLEGED INJURIOUS EFFECT OF ALUMINIUM COOKING VESSELS.

426. ***Mr. Lalchand Navalrai** : (a) Has the attention of Government been drawn to the poisonous effect of using aluminium cooking vessels?

(b) Have Government ever obtained expert medical opinion in the matter? If so, with what result?

(c) Have Government noticed a contribution by Doctor Khanchand Dev, M.D., published in *Tribune* and re-produced in the *Sind Observer* of the 15th August, 1931, referring to expert authorities' practically proving its deleterious effect on human and animal food?

(d) What steps do Government propose to take to stop the importation of such cooking vessels and to control their sale?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (c). Government have seen the article to which the Honourable Member refers on the subject of aluminium cooking vessels.

(b) Yes. Government are advised that aluminium is a non-poisonous metal and that the use of good quality aluminium vessels for cooking is entirely innocuous.

(d) None, in the circumstances explained above.

Mr. Lalchand Navalrai : Will Government be pleased to state if they have considered the opinion of the authorities that are contained in the article that I referred to?

†For answer to this question, see answer to question No. 422.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The article which the Honourable Member referred to has been read by the expert on whose advice my answer is based.

Mr. Lalchand Navalrai : Then am I to understand that the experts in India have differed from those experts in America and England ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : No, Sir.

Mr. Lalchand Navalrai : How then does the Honourable Member say so ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Because the experts in America and Europe between themselves also differ.

APPOINTMENT OF INDIAN OFFICERS AS ADJUTANTS.

427. ***Mr. Gaya Prasad Singh :** Will Government be pleased to state :

- (a) the number of Indian officers holding the King's Commission in eight Indianized units who have passed the language and retention examinations and qualified at a small arms school and have approximately six years' service ;
- (b) the qualifications of officers who are eligible for appointment as Adjutants and Quarter-Masters ;
- (c) the number of Quarter-Masters and Adjutants in the said units ;
- (d) the number of Indian officers in the said units who are Adjutants at the present moment or who in the past officiated as Adjutants ; and
- (e) the reasons why so few Indian officers are holding the post of Adjutants ?

Mr. G. M. Young : (a) Ten.

(b) An *Adjutant*. Must have passed the language and retention examination ; must have qualified at a small arms school ; and should ordinarily be an officer of approximately 6 years' service.

A *Quartermaster*. Must have passed the language and retention examinations and should ordinarily be junior to the adjutant.

(c) Eight each.

(d) The number of present adjutants is 2.

The number of Indian officers who have officiated in the past is 11. One more Indian officer will shortly be permanently appointed.

(e) The officer appointed adjutant is specially selected. The tenure of appointment is four years. The sanctioning authority is the District Commander. If an officer is not appointed adjutant, the inference is that he is considered less suitable than the officer who is appointed.

An officer once appointed adjutant cannot be removed from his appointment till his tenure is completed, unless he is considered unfit to hold the appointment. This rarely occurs. Only a small percentage of the officers in any unit held the appointment of adjutant in their service.

When the present incumbents vacate, it is likely that they will be replaced by Indians.

COST OF MOVING REGIMENTS FROM ONE STATION TO ANOTHER.

428. ***Mr. Gaya Prasad Singh** : (a) What is the total annual cost of moving different regiments from one station to another in India ?

(b) Have Government considered the question of effecting economy by reducing these moves at least during the present period of financial stringency ?

Mr. G. M. Young : (a) The maximum annual cost may be taken as Rs. 15½ lakhs. It has not exceeded Rs. 14 lakhs in either of the last two years.

(b) The annual cost up to and including 1927-28 was about Rs. 23 lakhs. The Honourable Member will see from this that very large economies have already been effected by reducing the number of these moves. The possibility of further reductions is under examination.

REPRESENTATION OF GURKHAS AT THE ROUND TABLE CONFERENCE.

429. ***Mr. Gaya Prasad Singh** : (a) Have Government received any representation on behalf of three million Gurkhas domiciled in India, praying for adequate representation in the Round Table Conference, on the ground of their "numerical and military importance", and also because they have "always stood loyally by the side of the *Sirhar* on all occasions of grave danger to peace, and welfare of the Empire" ?

(b) How many representatives of this minority community have been sent to the Round Table Conference ?

The Honourable Sir George Rainy : (a) No such representation has been received by the Governor General in Council.

(b) None.

REPRESENTATION OF SHIA MUHAMMADANS AT THE ROUND TABLE CONFERENCE.

430. ***Mr. Gaya Prasad Singh** : Have Government received any representation from the Central Standing Committee of the All-India Shia Political Conference, protesting against the exclusion of Shia representation from the Round Table Conference, and authorizing Sir Sultan Ahmad to press the Shia views supporting joint electorates at the Conference, in case of their non-representation ?

The Honourable Sir George Rainy : No.

REPRESENTATION FROM PANDIT KASHI PRASAD DIKSHIT, FORMERLY A CLERK IN THE GOVERNMENT PRESS, ALLAHABAD.

431. ***Mr. Gaya Prasad Singh** : (a) Have Government received any representation from one Pandit Kashi Prasad Dikshit, who was formerly a clerk in the Government Press, Allahabad, stating that he was subjected to "an unprovoked and uncalled for insult and severe humiliation", on the 6th January, 1931, when he entered the room of the Superintendent of the Press, wearing a Gandhi cap ?

(b) Is it a fact that his salary was reduced for the " offence " of wearing a Gandhi cap, which led him to resign his post ?

(c) Is there any Government order or circular prohibiting the wearing of Gandhi caps, or any other kind of dress or clothes ? If not, why was this man punished ?

(d) Did he apply for reinstatement after the Gandhi-Irwin settlement of Delhi ; and how has his representation been disposed of ?

The Honourable Sir James Crerar : (a) Yes.

(b) No.

(c) No.

(d) Pandit Kashi Prasad Dikshit applied for reinstatement on the 6th May, 1931, after the post had been permanently filled. His application could not be acceded to.

WITHHOLDING OF TELEGRAMS SENT BY MR. M. N. ROY.

432. ***Mr. Gaya Prasad Singh :** Is it a fact that telegrams sent by Mr. M. N. Roy, an accused now awaiting trial in Cawnpore, to Mr. Ramsay MacDonald, Mr. Fenner Brockway, and Mr. Maxton, have been withheld, or delayed by the authorities ? If so, why ?

The Honourable Sir James Crerar : Mr. M. N. Roy, while in custody after his arrest, drafted telegrams to the three gentlemen named and solicited their transmission at public expense. As their contents were not such as to justify their transmission at public expense, they were not transmitted.

RELEASE OF SHOLAPUR PRISONERS.

433. ***Mr. Gaya Prasad Singh :** How many Sholapur prisoners have been released and how many are still undischarged ? What are their offences, and why are they not released, under the Delhi settlement ?

The Honourable Sir James Crerar : All the Sholapur prisoners have been released except 36, whose cases did not come within the terms of the Settlement. Of these, 34 were convicted for rioting and burning of buildings and 2 for bribing and intimidating witnesses in a criminal case arising out of the murder of two policemen.

RESOLUTIONS OF THE ALL-INDIA MEDICAL CONFERENCE.

434. ***Kunwar Raghubir Singh** (on behalf of Mr. K. C. Neogy) : (a) Will Government be pleased to state whether they received copies of the resolutions passed at the All-India Medical Conference, Seventh Sessions, held at Poona on the 25th, 26th and 27th April, 1931, concerning questions affecting medical services, public health and medical research ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what steps they propose to take in regard to the resolutions ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes.

(b) The resolutions are under consideration.

INTRODUCTION OF AN INDIAN MEDICAL COUNCIL BILL.

435. ***Kunwar Raghbir Singh** (on behalf of Mr. K. C. Neogy) :

(a) When do Government propose to introduce the Indian Medical Council Bill ? Has the draft Bill been circulated for public opinion ?

(b) Is it a fact that the Indian medical profession represented by the Indian Medical Association was not consulted or invited to the Conference, which was held by Government regarding this Bill ?

(c) Has the attention of Government been drawn to a resolution passed by the All-India Medical Conference urging that this Council, when formed, should be an independent and predominantly non-official body with an adequate representation of the independent medical practitioners—both graduates and licentiates, and should have a non-official elected president from its commencement ; that its functions should be, among others, to maintain a uniform and minimum high standard of medical education in India ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). The Honourable Member is referred to the reply already given by me to Mr. Gaya Prasad Singh's starred question No. 36.

(c) Yes.

RESOLUTION OF THE ALL-INDIA MEDICAL CONFERENCE *re* THE INDIAN MEDICAL REGISTER.

436. ***Kunwar Raghbir Singh** (on behalf of Mr. K. C. Neogy) :

(a) Has the attention of Government been drawn to Resolution No. 4, passed at the All-India Medical Conference held at Poona on the 25th, 26th and 27th April, 1931, which runs as follows :

“ This Conference is of opinion that no one who is not on the Indian Medical Register should be entertained in the Civil, Military, Naval or Air services of the country or be permitted to act as a ship's surgeon or in such other services.”

(b) If the answer to part (a) be in the affirmative, what steps do Government propose to take in the matter ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes.

(b) They are trying to have a suitable organisation to look after the minimum standard of instruction, examination and qualification and then this matter can also be gone into.

LICENTIATES OF MEDICAL SCHOOLS IN INDIAN STATES.

437. ***Kunwar Raghbir Singh** (on behalf of Mr. K. C. Neogy) :

Is it a fact that the licentiates of medical schools in the different Indian States are not given the same status as the licentiates of medical institutions in British India ? If so, why ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : We have no information. Each Provincial Government determines for itself the status which is accorded in its territories to the licentiates of medical schools of Indian provinces or Indian States. The Government of India exercise no jurisdiction in the matter.

**APPOINTMENT OF OFFICERS TO THE INDIAN MEDICAL RESEARCH
DEPARTMENT.**

438. *Kunwar Raghubir Singh (on behalf of Mr. K. C. Neogy) :
(a) Will Government be pleased to state how many posts in the Medical Research Department have been reserved for members of the Indian Medical Service ?

(b) Is it a fact that at the Conference held in Simla in July, 1930, on the question of the creation of the Central Medical Research Institute, the question of the reservation of posts for Indian Medical Service officers in the Medical Research Department was unanimously opposed by the non-official representatives attending the Conference ?

(c) Is it a fact that in the Resolution moved by Mr. Jayakar in the Assembly in accordance with which the above Conference was held in Simla in July, 1930, the question of the appointment of officers in the Indian Medical Research Department was one of the matters which was referred to the Conference for discussion ?

(d) Is it a fact that Sir Frank Noyce who presided at the Conference declined to allow the Conference to discuss the question of the posts in the Medical Research Department reserved for the I. M. S. officers ? Is it a fact that a large number of members at the Conference differed from the Chair in regard to his ruling in this matter ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) 18.

(b) The question was not discussed as it was ruled out of order.

(c) Yes.

(d) Yes. The Honourable Member's attention is invited to the reply already given to Mr. Gaya Prasad Singh's question No. 157 on this subject.

ESTABLISHMENT OF A CENTRAL MEDICAL RESEARCH INSTITUTE.

439. *Kunwar Raghubir Singh (on behalf of Mr. K. C. Neogy) : What steps have Government taken in regard to the reconstitution and establishment of the Central Medical Research Institute as proposed by the Fletcher Committee ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Some steps were taken and retraced, and now it appears the scheme for the establishment of a Central Medical Research Institute will have to be postponed until the financial situation improves.

**RECONSTITUTION OF THE GOVERNING BODY OF THE RESEARCH FUND
ASSOCIATION.**

440. *Kunwar Raghubir Singh (on behalf of Mr. K. C. Neogy) : What steps have been taken to reconstitute the Governing Body of the Research Fund Association as recommended by the Conference held in Simla on July 21st and 22nd, 1930 ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Recommendations have been examined and proposals as to reconstitution framed.

RETRENCHMENT IN SALARIES OF DEPARTMENTAL HEADS OF RESEARCH INSTITUTES.

441. *Kunwar Raghubir Singh (on behalf of Mr. K. C. Neogy) : Have Government drawn the attention of the Retrenchment Committee to the following resolutions passed at the All-India Medical Conference ?

“ That this Conference is of opinion that the salaries paid to the Departmental Heads of Research Institutes in India are exorbitant, and that thorough revision of the salaries of the Departmental Heads of these institutions is imperative.”

“ That this Conference protests against the reservation of three out of six posts of Professorships for I. M. S. officers at the Public Health Institute, Calcutta, and against the raising of the salaries of these officers to Rs. 3,000 per month.”

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : No. Government have, however, furnished the Retrenchment Committee with all the information for which they asked regarding salaries and the scheme for the establishment of a Public Health Institute at Calcutta.

RESERVATION OF SPECIFIC POSTS IN THE INDIAN MEDICAL SERVICE FOR EUROPEAN OFFICERS.

442. *Kunwar Raghubir Singh (on behalf of Mr. K. C. Neogy) : Has the attention of Government been drawn to a resolution passed at the All-India Medical Conference condemning the action of Government in reserving certain specific posts in the Indian Medical Service cadre for European officers only of the service and urging that the 90 posts, contemplated to be released, under the Government of India communique of 1928, by the Indian Medical Service, and to be handed over to the Provincial Medical Service whenever a temporary or permanent vacancy takes place, should be filled by Provincial Medical Service men only ? If so, what steps do Government propose to take in the matter ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The reply to the first part of the question is in the affirmative. The subject to which it relates is regulated by the orders of the Secretary of State. The reasons for reserving certain specific posts in the cadre of the Indian Medical Service for European officers are the necessity of providing the full strength of European officers required for the war reserve and the necessity of supplying European personnel of the superior Civil Services with European medical attendance in accordance with the recommendations of the Lee Commission.

As regards the 90 posts to be released by the Indian Medical Service, the decision to release these posts was subject to the proviso that the existing and accruing rights of Indian Medical Service officers in permanent civil employ on the date of issue of the Government of India Press communique, dated the 10th of May, 1928, and also those of officers not permanently in such employ who were transferred to it temporarily without warning that they might have to revert, should be fully safeguarded. Until the claims of these officers to fill such posts have been liquidated in accordance with rules which govern the subject, the appointment of members of the provincial medical services to fill them when permanent or temporary vacancies occur is not feasible.

In these circumstances, no definite action relating to this matter is contemplated at present.

APPOINTMENT OF INDIAN MEDICAL SERVICE OFFICERS BY NOMINATION.

443. *Kunwar Raghbir Singh (on behalf of Mr. K. C. Neogy) : Has the attention of Government been drawn to a resolution passed at the All-India Medical Conference condemning the policy of Government in continuing to appoint officers in the Indian Medical Service by nomination, in spite of the repeated protests of the medical profession as well as of the public, and urging that all nomination in that service should henceforth cease and further that appointment to the service should be by an annual competitive examination to be held in India, open to all medical practitioners registered in India? If so, what steps do Government propose to take in the matter?

Mr. G. M. Young : The reply to the first part of the question is in the affirmative. As stated in my reply to Mr. Gaya Prasad Singh's question No. 197 on the 29th January, 1931, Government do not propose to take up the question of altering the method of entry into the Indian Medical Service until after the constitutional changes at present under consideration by His Majesty's Government.

CIVIL WORK BY THE INDIAN MEDICAL SERVICE AND MILITARY SERVICE FOR THE INDIAN MEDICAL PROFESSION.

444. *Kunwar Raghbir Singh (on behalf of Mr. K. C. Neogy) : (a) Has the attention of Government been drawn to the following resolution passed at the All-India Medical Conference?

"That this Conference is strongly of opinion that the transfer of officers of the Indian Medical Service to the civil side should henceforth be stopped and that this service should remain a purely Military Medical Service; this Conference further declares that the members of the Indian Medical Profession are prepared to offer themselves for Military Service in any war that may be waged in the defence of their country; and that they should thus serve as a reserve supply for recruitment in any defensive military necessity."

(b) If so, what steps do Government propose to take in the matter?

Mr. G. M. Young : (a) Yes.

(b) None at present, as the future of the Medical Services in India is now under consideration in connection with the recommendations made in this behalf by the Indian Round Table Conference.

TERMS OF RETIREMENT OF TEMPORARY OFFICERS OF THE INDIAN MEDICAL SERVICE.

445. *Kunwar Raghbir Singh (on behalf of Mr. K. C. Neogy) : (a) Has the attention of Government been drawn to the following resolution passed at the All-India Medical Conference?

"That this Conference recommends that the Army Department, and the Government of India should inquire into the service conditions as also the terms of retirement of the temporary officers in the Indian Medical Service; and that these officers should be given a gratuity commensurate with the length of service they may have put in as temporary officers."

(b). If so, what steps do Government propose to take in the matter?

Mr. G. M. Young : (a) Yes.

(b) The whole question of these temporary appointments was gone into in 1927-28, and was explained fully to this House in my answer to unstarred question No. 108, dated the 16th February, 1928. Temporary officers are eligible for appointment to the permanent service as vacancies occur; and if they are selected for such appointment, their temporary service is extended until they can be confirmed. Candidates for temporary commissions are made aware of all the conditions of service before they are appointed; and there is no dearth of suitable candidates under the existing conditions. Government do not therefore propose to take any steps at present.

RELEASE TO PROVINCIAL GOVERNMENTS OF STOCKS OF QUININE LYING
WITH THE GOVERNMENT OF INDIA.

446. ***Kunwar Raghubir Singh** (on behalf of Mr. K. C. Neogy) : What steps are being taken to release to Provincial Governments the large stocks of quinine lying with the Government of India?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The question of reducing the Government of India's stock of quinine is under consideration. It is hoped Local Governments will be addressed shortly.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR
THE DEPARTMENT OF INDUSTRIES AND LABOUR.

Mr. Deputy President : Honourable Members will now proceed to elect three non-official Members to serve on the Standing Committee to advise on subjects, other than "Roads" and "Broadcasting", dealt with in the Department of Industries and Labour. There are six candidates whose names are printed on the ballot papers which will now be supplied to the Honourable Members in the order in which the Secretary will call them.

(The ballot was then taken.)

THE INDIAN PRESS BILL--*contd.*

Mr. Deputy President : The House will now resume further consideration of the following motion moved by the Honourable Sir James Crerar that the Bill to provide for the better control of the Press be referred to a Select Committee consisting of Mr. B. R. Puri, Mr. C. S. Ranga Iyer, Mr. Arthur Moore, Sir Abdullah Suhrawardy, Dr. F. X. DeSouza, Mr. A. Hoon, Rao Bahadur S. R. Pandit, Sir Abdur Rahim, Sir Hari Singh Gour, Mian Muhammad Shah Nawaz and the Mover with instructions to report on or before the 18th September, 1931, and that the numbers of members whose presence shall be necessary to constitute a meeting of the Committee shall be five, and also the amendment of Mr. B. Das that the Bill be circulated for the purpose of eliciting opinion thereon by the 2nd of January, 1932.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Will it be possible to report before the 18th of September, Sir? Today is the 16th. The date ought to be extended. Will the Honourable the Leader of the House make a statement?

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : I wish to indicate, Sir, in as few words as possible, the general attitude of the Independent Party towards this measure. There are certain points on which all sections of this House seem to agree. We are all at one in condemning crimes of violence, murders and murderous outrages, whatever be the motive which inspires the perpetrators. We are also agreed in denouncing such writings and speeches which may have the effect of inciting to these crimes of violence and assassination. Sir, I understand that the Bill is primarily and substantially designed, so far as the intention of the Government goes, to prevent incitements to such crimes by means of writings in newspapers and other publications of that nature. At the same time, Sir, it is evident that the scope of this Bill is far wider than that. It is not confined to the prevention of certain kinds of offences in this country. The very title, the very preamble shows that what is desired, so far as this Bill is concerned, is to obtain control of the entire Press in the country. Now, Sir, I can say at once that we are not willing to give control over the Press to the Government, but we are perfectly willing to help the Government in devising suitable measures which will check, which will prevent, assassinations and crimes of violence, even if their object may be to obtain a better political status for the country. So far we are agreeable to act with the Government, but we do not see any good reason why we should, especially at this juncture, help the Government in establishing control over the entire Press of the country. To my mind no such case has been made out, and I do suggest it to the Government that it will be extremely inexpedient at the present moment to attempt seriously to control the Press.

Now, Sir, let us see what the scope of the Bill is. Take clause 3. Clause 3 hits the entire printing business of the country. It is not aimed merely at newspaper writings. No one can keep a printing press or conduct a business of printing except with the permission of the Magistrate. Now, I do not know whether the Government really consider that printing presses are an evil, that they are really and mainly a source of danger to the country and therefore the business of keeping and conducting printing presses should be handicapped at the very outset. Sir, we all know how much modern civilization owes to the printing press, and is it really in the mind of the Government to handicap the business of printing in this country? Printing presses are not confined to printing newspapers or publishing newspapers, and they are not only useful but they are essential for the spread of civilization and knowledge. But what justification is there for telling any one who wants to start a printing press, whether big or small, that he shall not do it unless he deposits a certain amount of security? Now, that I submit is a provision in the Bill which cannot be justified. And is it really the case that the Government cannot prevent the mischief which certain classes of newspapers indulge in by their writings without obtaining control over the presses, without handicapping the business of the printing press altogether? Surely, Sir, it is quite possible to strike at the mischief without Government obtaining such wide and uncontrolled powers. True, the Magistrate may, in special cases, by special order, exempt certain presses, but why should there be this limitation on the liberty of men who want to carry on the business of printing? I consider that most serious aspect of this Bill, even more serious in my opinion than the writings in some of the newspapers.

Sir, it has been pointed out even by judicial authorities that this sort of asking for security before a man can start the business, a very legitimate and very honourable business, is a thing which cannot be justified in a court of justice so far as that court of justice is engaged in seeing that crimes are not perpetrated, that crimes are prevented. Now, Sir, look at the preventive measures as a whole. Preventive measures are not unknown to the law of this land. We have got a whole chapter devoted in the Code of Criminal Procedure to preventive measures, measures designed to prevent a breach of the peace and crimes of a certain class. I wonder if the Government have ever considered whether it was not possible to proceed on those lines. I find the Honourable the Law Member is not here ; otherwise, I should have liked to ask him specifically if he had considered this aspect of the matter at all, whether it was not possible to proceed on the lines of that chapter of the Criminal Procedure Code. If not, I should have liked to hear from him what are the reasons for not proceeding on those lines. I am perfectly aware that clause 4 of the Bill is in certain respects of a narrower scope than the Press Act of 1910 ; but still the wording of it, so far as the object of this clause is concerned, is far too wide. The language used there is the identical language which has been more than once judicially condemned ; it was condemned by two of the High Courts in India, and that condemnation, when the matter went up to the Privy Council, was silently at least approved. What justification can there be for repeating language of that sort in the present Bill ? The words in the clause are :

“ Whenever it appears to the Local Government that any printing-press in respect of which any security has been deposited as required by section 3 is used for the purpose of printing or publishing any newspaper, book or other document containing any words, signs or visible representations which are likely ” (*it does not stop there*), “ or may have a tendency ” (*it does not stop there*), “ directly or indirectly, whether by inference, suggestion, allusion, metaphor, implication, or otherwise, to incite to or encourage..... ”

Now, it has been pointed out by judicial authorities that it is very difficult for them, speaking as judges, to interpret and to apply to a particular individual concrete case language of this wide character. Then where was the necessity for repeating the same ? It would simply embarrass the High Court if it were to review any of the orders passed by the Local Government under this measure. Would it not have been sufficient to stop at the words “ likely to incite to or encourage the commission of any offence ” ? That is a matter which, it will be said and rightly said, can be considered by the Select Committee, and I understand that some of the Members on the Government Benches have agreed that there will be no difficulty on the part of the Select Committee to get rid of language of that character and to amend the Bill properly.

There is also another matter for consideration. I have looked very carefully into those extracts from writings which have been supplied along with this Bill. No doubt, a great many of them are very nasty reading. and I do not think that any one can justify the circulation of such writings. But there are also writings which are equally mischievous and will do an equal amount of harm in this country, which may not, in so many words, incite to crimes of violence but which tend to inflame passions in this country, inflame political and racial feelings, and I am not sure whether clause 4 would hit writings of that character. Sir, the newspapers that have been quoted are not the only offenders which ought to be muzzled, but there are others. No doubt, they write in a more diplomatic vein ; no doubt, they

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use more careful language ; but the political effect is very bad indeed of such writings which I am afraid will not come within the scope of this clause.

Sir, we have considered the whole matter in its different aspects, and we have come to this conclusion that, if the Government Benches are prepared to give us a clear and definite undertaking that the Select Committee and this House afterwards will be at liberty to remodel this Bill and confine it strictly and rigidly to prevention of certain kinds of crime, then they will have our support for the motion to refer the Bill to a Select Committee. If, on the other hand, the Government really want to establish control over the Press, not only over newspapers but over the printing presses of this country, if they want to establish a sort of supervision over the activities of the entire Press in this land apart from the particular mischief which appears to be aimed at, then, in that case, we cannot support the motion for a Select Committee. We want a clear statement from the Honourable the Home Member who is in charge of this Bill what Government really want by this measure. Do they really want merely to prevent such kinds of crimes or to establish control over the Press ? That is the clear issue before the House, and if the Honourable Member will satisfy us on this point, we will support him in his motion for the Select Committee but not otherwise.

Mr. R. S. Sarma (Nominated Non-Official) : Mr. Deputy President, Sir, I am a humble member of the profession which is most concerned with the measure now before the House and if I venture to make one or two very brief observations, it is not in that capacity but as a Member of this House, insignificant as I am but nevertheless as zealous of its reputation and as anxious for its fair name as any other Member who sits on the opposite Benches. Sir, nothing can be more insulting to the intelligence of the Members of this House or a greater danger and damage to our capacity for self-rule than that we should create any impression outside this House that the issue of a document of 66 closely printed pages from the Home Department containing extracts from newspapers relating to incitement to terrorist crimes and activities, the passionate and pathetic appeal of the Home Member to those Benches, the forensic eloquence of the Acting Law Member, the carefully prepared file of newspaper cuttings of my Honourable friend Mr. Arthur Moore, and Sir Cowasji Jehangir's laborious research into the various species of anarchists in this country should be necessary for the purpose of obtaining from a section of this House a vote against political assassination and incitement to political assassination. I do not think, Sir, that three long days' full dress debate upon this simple measure has done this House any credit nor has it enhanced its reputation for an adequate sense of responsibility. I am inclined to think that in the grave circumstances necessitating this measure, in any assembly or parliament in the world, a motion like this has only got to be moved for its being accepted unanimately. Everybody knows the general feeling among Europeans and among law abiding citizens in this country on this matter. Day after day, we hear of the brutal murder of those who are in Government service and those who support them. But, Sir, everybody also knows that these extremist papers against whom this Bill is meant have always made martyrs of these political assassins. Every time a brutal and barbarous crime is committed, a subtle distinction is always sought to be drawn between the deed of murder and the motives that inspired deed. Although

these newspapers for the purpose of keeping themselves within the limits of the Penal Code always condemned these murders with much vehemence of speech and manner, it was openly declared that those who committed the crime were actuated by the highest and the noblest instincts of patriotism, chivalry and courage. It is quite true, Sir, that some of these extremist papers have taken the orthodox language of non-violence on their lips, but side by side with this formal and official condemnation of murder, as I pointed out on another occasion in Calcutta, these papers have indulged in a kind of sentimental, pseudo-poetic sobstuff in glorification of these political murders, which in my opinion has done more to encourage murder than anything else. I think that it is the stopping of this insidious hypocrisy which is the object of this Bill and I do not think any publicist or journalist or public man need be ashamed of giving his whole-hearted support to this Bill.

In conclusion, Mr. President, may I put it to you that were Mahatma Gandhi himself the Leader of the Opposition today sitting on those Benches, he would have with readiness and alacrity given his whole-hearted support to this Bill.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Question.

Mr. R. S. Sarma : Mahatma Gandhi, in spite of his preoccupations connected with the Round Table Conference, when he was not aware whether he would go to London or not, when he was full of other anxieties, came forward and unequivocally dissociated himself from the part he himself played in the Karachi Congress regarding the Bhagat Singh resolution, and you can expect a man of that calibre, if he were sitting today on those Benches, to have given his whole-hearted support to this Bill. What this Bill wants to achieve, in my opinion, is only to reaffirm, to emphasize and underline the doctrine of non-violence for which the Mahatma stands. (Interruptions.) Let it not be said of these gentlemen that they are only followers of Mahatma Gandhi in name and not his real followers. The Mahatma is the most arresting personality on the world's stage today.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : We are glad to see that you are a follower of Mahatma Gandhi.

Mr. R. S. Sarma : I am certainly a follower of his creed of non-violence. Today, Sir, he is the observed of all observers, the cynosure of the world's eyes. And why? Because a war weary world is today looking with hope and expectancy to see some proofs and demonstration whether this ideal of non-violence, this creed of peace is as practicable in a real sense as it is desirable in an idealistic sense, and we in this House, by putting this Bill on the Statute-book, will only afford to the world at large a proof and demonstration that India, through her chosen representatives, has at a psychological hour, reaffirmed and confirmed a nation-wide faith in the gospel of its leader.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : I am afraid I must oppose this Bill not because I am not in sympathy with the object the Government have in view. So far as the object of the Bill is concerned, we are in complete sympathy with the Government. As a matter of fact any measure intended to check terrorist crime should be welcomed by this House. The assassinations that we have seen lately are no doubt to be deplored and condemned, but that is as far

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as I can go. When we come to the present Bill, I regret that I cannot accept this Bill, because I honestly believe that it is a most mischievous measure and as a remedy it will prove worse than the disease. I understand the Government case to be this—that there is a class of active or potential revolutionaries who are being encouraged and incited by a certain class of people, namely the Indian Press, to commit deeds of violence against a definite class of people, namely European and Government servants. The Government case is that that being the state of affairs, the present law is inadequate to check this movement, and hence they have presented this Bill to this House for its acceptance. If this data is correct, then I have no doubt that the Government have got an excellent case. But I venture to think that it was up to the Government, up to any responsible Member occupying the Opposition Benches, to have taken the House into their confidence and to have told the House, “Here is the present law, and here is the inadequacy in that law, and hence our justification for asking for fresh legislation”. I think, Sir, that the Government have not played the game properly. They ought to have placed their cards upon the table, they ought to have shown to the House that “this is our law, which is not sufficiently long to reach those culprits”, and that therefore they are constrained to ask us to pass a fresh law in order that they may be able to check adequately a movement which we all condemn. Now I expected, when the Honourable the Home Member was on his legs, that he would enlighten the House on this aspect of the question, but I confess I was disappointed. Then when the Honourable Member for Law spoke, although he made a very brilliant speech, I confess I was again disappointed. The one thing that I had expected from the Law Member was that he should have discussed the legal aspect of the question; but there again there was no reference to this matter. Then the Honourable the Leader of the House gave us the benefit of his views, but there again I submit he did not take up this question. Surely, on the Government side it should be the business and concern of somebody, before they can ask for this new law, before they can justify their present demand, to show to the House that “As we stand now, we are materially handicapped by the existing law.....”

Mr. B. Das : Wait till you hear my Honourable friend, Sir Lancelot Graham.

Mr. B. R. Puri : “..... and hence we are constrained to ask for fresh legislation”. Now they have absolutely ignored this aspect, and I say, advisedly. I submit even now it is not too late for the Government, when they say, “Our law at present is inadequate”. They may inform this side of the House to which law they are referring so that may be able to appreciate what the Government’s position is. We may be in a position to show that that law, which according to your view is inadequate, is more than adequate. How can we point out, Sir, that that law is perfectly adequate? In fact in the present law they have got more than they require. With your permission, therefore, Sir, I will make a request at this stage. If the Honourable the Home Member even at this stage of the debate would be pleased to

inform the House as to which law he is referring when he says it is inadequate, this side of the House would be very much obliged to him ; for then we will be in a position to discuss the question further with reference to the adequacy or inadequacy of that law. May I expect some enlightenment on this subject, Sir ?

The Honourable Sir James Crerar (Home Member) : Will the Honourable Member be good enough to repeat that question ?

Mr. Deputy President : I am afraid the question that the Honourable Member has put to the Honourable the Home Member is of too wide a scope to admit of an answer by way of a reply simply to an interruption. I think the Honourable Member might proceed with his argument.

Mr. B. Das : I do hope some Member from the Government will reply later on—or perhaps my Honourable friend, Sir Lancelot Graham.

Sir Lancelot Graham (Secretary, Legislative Department) : Thank you !

Mr. B. R. Puri : Well, Sir, in the absence of the Government making out a proper case in support of this measure on the ground of their present law being insufficient, I would be justified to suspect the motives of the Government. I regret to have to take up that position, and I say that the reason they do not refer to the present law is because they are conscious in their own mind that that law is more than sufficient for their purposes (*Cries of "Hear, hear"*). Now, since they have not done what was obviously their duty, I shall have I am afraid to go into that question. Now, Sir, I will refer the Honourable the Home Member to certain provisions of the law with a view to convince him if I can, that that law is the very law that he wants,—that in the face of that law which already exists in your Penal Code, you do not need the present Bill at all even for a moment. Your Indian Penal Code, Sir, is a sufficiently comprehensive enactment. The framers of that Code were really very brainy people, and they anticipated all the various forms and phases of criminal tendencies of human beings, and they made due and ample provision to meet all those cases. Now I shall invite the attention of my Honourable friends on the opposite side, to the provision of the Indian Penal Code, section 117. I will just read that section with your permission with a view to show how admirably that provision is intended to meet the present circumstances. (Mr. K. Ahmed at this stage made an interruption which was inaudible.) I do not follow my learned friend's interruption.

“Whoever abets the commission of an offence by the public generally or by any number or class of persons exceeding ten, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.”

Now let me here explain for a moment that so far as the general law of abetment is concerned, it will not cover the present case—I will not be too technical—I hope the House will kindly bear with me for one moment. I confess that the ordinary law of abetment would not be applicable to the present state of affairs, inasmuch as these alleged writings, which are said to promote this class of assassinations, are not addressed to any specified individual. Therefore, unless you make out

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a case like this that a person instigated or incited some specified individual, to commit a particular offence with reference to another specified individual or conspired with the offender or aided him, the case would not come within the purview of the abetment section. Where a newspaper in a general manner disseminated material which could be taken up by the public at large as a sort of incitement, and some one out of that crowd who read that, getting excited, committed a crime by attacking some unknown person, that is unknown to the writer, that would not be abetment according to the law. But the framers of the Code very wisely have provided section 117 as an exception to the general rule.

The Illustration to this section is as follows :

" A affixes in a public place a placard instigating a sect consisting of more than ten members to meet at a certain time and place, for the purpose of attacking the members of an adverse sect, while engaged in a procession. A has committed the offence defined in this section."

One sentence more will convince you further that this is just the sort of provision which would be quite sufficient to cover the present case :

" Under this section it will be sufficient to shew any instigation or other mode of abetment, though neither the effect intended nor any effect follows from it. This section stood as clause 94 in the draft Code and contained another illustration as follows : "

Now, kindly note this illustration :

" A inserts in a newspaper an article advising soldiers to shoot every Commanding Officer who uses them harshly. A has committed the offence defined in this clause."

Now, I beg to submit that these illustrations are really very instructive. The framers had in this Code anticipated a case like the present such as we have before us. If any newspaper publishes an article of the nature referred to above, namely, offering incitement to the public, then it will come within the purview of this section. What more do they want ? Here is a section which, irrespective of whether any result follows or does not follow, mere writing *per se* is an offence. And look at the punishment. The offender is liable to an imprisonment for three years and an unlimited amount of fine. Surely, Sir, it would not be seriously maintained by the Government that people have no fear left of the jail. Surely, the confiscation of the security of Rs. 1,000 or Rs. 2,000 is not the only thing of which people are afraid. Surely, people have got dread and fear of being sent to jail for three long years, and if the Government case is that money has got a much greater fear in the minds of the people, then they can have the fine imposed to their heart's content ; it is an unlimited amount of fine which is provided in the section. They can get the press attached, the whole thing sold out and they can harass the offender for six long years under the existing law for the realisation of the fine. What more do you require ? Have you not got more than what you actually need for the purpose of the present occasion, assuming that your necessity is real ? Since you ignore this and since you do not follow your own law, would we not be justified in concluding that you are after something else ? Your real objective appears to get at the Press, otherwise your necessity is amply met with by the existing law. If you do not care to use this law, it is your own look-out.

Now, Sir, that is not the only and the solitary section which the law has provided to meet such contingencies. There is another provision of the law also in this very book, and I wish my Honourable friends on the other side of the House had studied the Indian Penal Code a little more carefully before putting in this measure. Then, perhaps the House would have been spared the trouble of considering the present measure for such a long time. If, Sir, you will turn your attention to section 505 you will find..... (Inaudible interruption by Mr. K. Ahmed.) What are you singing, Sir? (Laughter.)

Now, Sir, section 505 lays down as follows :

"Whoever makes, publishes or circulates any statement, rumour or report",—
(then follow three clauses ; we are concerned with clause (c) only.)

"(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to two years, or with fine, or with both."

You will remember, Sir, that when I stated the Government case I was particular in saying that the issue before the House was that there is one class of people, namely, the revolutionary class, which commits offences, against another class of people which consists of either the Europeans or the Government officials generally, so that where a person with intent to incite or which is likely to incite any class or community of persons to commit any offence against any other class of persons or community, it would be an offence which would fall under the provisions of section 505.

Mr. K. Ahmed : That has no application to the present case.

Mr. B. R. Puri : It will take you some time to understand it yet. It is too subtle a provision for you to follow. Hereafter I will ignore you.

Now, Sir, kindly see that one of the great points which the Honourable the Mover of the Bill made was—and I have taken down the very words which emanated from his lips—that so far as the present law is concerned it is of a penal nature, and what they want at the present moment is a preventive provision. This was the argument which was advanced by him. It is a perfectly sound argument, but does not apply to the present case. If you will look at section 505 or section 117, you will be pleased to observe that by the very language and words of these provisions, they are both preventive provisions. They are penal provisions only in the sense that the preventive remedy which is provided and embodied in these two provisions if it is disregarded by any person, he would be subjected to certain penalties. But whether anything takes place as the result of incitement or not, these provisions do not take the least notice of. The mere incitement, irrespective of any objectionable results following from it, is *per se* an offence and therefore they should be and have been rightly regarded as preventive provisions and not as penal provisions in the sense in which the Honourable the Home Member was pleased to observe,

Now, Sir, one other point in this section is also worth noting and that is that according to the Government view the present is a case of emergency ; if recourse was had to one of these provisions, it would not be an appropriate one because the occasion demands immediate action.

1 P.M.

I trust I am faithfully reproducing the argument which the Honourable the Home Member advanced before this

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House. Now, Sir, I think it will be readily conceded that if to-morrow some newspaper foolishly took it into its head to incite the soldiers and troops of His Majesty's Army and if it started seducing them with a view that they should commit mutiny, then if anything conceivable can be emergent, that would be a highly emergent occasion for the Government to step in and to check such writings, because the consequences and dangers are really very serious. Now, Sir, if you look at clause (a) of section 505, you find this :

“ Whoever makes, publishes, etc.

(a) with intent to cause, or which is likely to cause, any officer, soldier, or sailor in the army or navy of Her Majesty, or in the Royal Indian Marine, or in the Imperial Service Troops, to mutiny, or otherwise disregard or fail in his duty as such * * *

* shall be punishable ”, etc., etc.

Even in a case where the publication has the object of seducing troops with a view that they should mutiny against Government, they have regarded this section as a sufficient provision to prevent such offences. But the present occasion, it will not surely be argued, is half so serious as an occasion where seduction of troops was attempted by means of writings in the Press. If this provision is good enough to meet such cases and to prevent such writings, I submit that it is more than good and more than efficacious to meet the present occasion.

Now, Sir, the next point that I wish to urge before the House is that the Bill in its present form is unworkable. I am aware that the Government view is that all these unworkable objectionable parts of the Act can be examined and attended to in the course of the deliberations in the Select Committee. Sir, that is not the correct view. My object is to show that the Bill is so worded that it itself suggests that the object is not to reach the offender but to wipe out the press from this country. That is the point that I wish to emphasise. We know that according to the present measure, a person who approves of the conduct of a murderer and indulges in laudation of a particular crime is taken as promoting a similar crime. If that be the right view, then I will place before the House one or two hypothetical cases from which the House would be in a position to see how the Bill would actually work in practice if it was passed. Only the other day we heard that when Lieutenant Sheehan was sleeping in a first class compartment at Saharanpur, another young European named Clarke wanted to board the train and got into that compartment and Lieutenant Sheehan picked up his revolver and shot the man dead down on the spot. Now, Sir, for the unfortunate victim of that accident, Clarke, substitute an Indian. We would then read in the papers that a European military officer named Lieutenant Sheehan at four o'clock in the morning did to death an Indian merely because the Indian wanted to get into that compartment which he was entitled to do. There would be a storm in the country, the papers would comment on it and they would condemn that murder. There would be no laudation of Lieutenant Sheehan. On the other hand the people and the Indian Press would condemn that officer. Now, Sir, suppose after reading the accounts of this incident in different papers some young man by way of retaliation took it into his head to go and murder the first European that he came across on the Mall in Simla, it would

not be the laudation of the murder, but the condemnation of it which had brought about the murder of a European. How will you apply your Act? Would you then say that according to the letter of the law this man is not guilty of having incited that murder because the man did not approve of the original murder but condemned it and therefore according to the letter of the law he is not guilty? Or would you say that according to the spirit of the law this man is guilty?

On this view, Sir, both the laudation and the condemnation of the murder would be equally an offence. Sir, I have never yet come across any judicial pronouncement according to which both an act as well as its omission is equally an offence; and yet this is what your Act will be. If the Act is capable of such construction surely there must be something basically wrong and that is a basic flaw in the Act. Instances can be multiplied on this point and I shall deal with them presently. This result will follow because the language, on purpose, has been made so comprehensive; the net has been spread so wide and the meshes have been made so fine that nothing can escape out of it.

Now, Sir, I will place before you another palpable illustration to show how in practice this Act will prove to be utterly unworkable and an impracticable measure. Suppose, Sir, a newspaper wrote a series of articles showing, exposing and criticising the financial policy of the Government of India or for the matter of that any other policy of the Government. And suppose the writer brought out and established the point that the appalling poverty which exists at the present moment in the country is the outcome of the financial policy which the Government have pursued for a number of years. Suppose, Sir, he also, with a view to enlighten the public, says that the present situation and plight of the people, who with one season of adversity have neither any vitality left in them nor any resources, is the outcome of that policy. Suppose, Sir, and I am merely stating this by way of illustration,—that the writer also establishes that, so far as the administration of justice in this country is concerned, the people are beginning to lose their confidence in the courts, because the courts are influenced by executive considerations, and suppose the editor or the writer quoted facts and figures, you cannot for a moment deny that a newspaper has got a right to write all this as long as he does not actually transgress a certain limit and a certain line—he will be well within his rights to educate the people and to inform the people and enlighten them as to what their real state is and what are the causes of their present plight, with a view that the condition and position of his countrymen may improve and that the causes which have led to that plight might be removed. Now, supposing after reading this series of articles, some young men, who are out of employment and who are sick of life and who have got nothing to eat or feed themselves upon, take it into their heads to think “The system of Government which has brought us down to such a condition and reduced us to such a plight should be ended”, and if somebody, in that excited mood, influenced by those writings, were to go and commit murder or a series of murders, would you be justified in calling upon the person who wrote those articles with a perfectly honest intention

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and in a perfectly legitimate manner but of which a wrong use was made by some hot-headed young blood—would you call upon that newspaper to show cause and explain its conduct, and in the absence of any satisfactory proof, would you penalise that newspaper? If you would—and I say this, that if your present Bill is passed, that newspaper could by no amount of advocacy—even by my learned friend, Mr. Elliot—secure an acquittal, because he has, if not directly, certainly indirectly, promoted the murder. Your clause reads “by metaphor, allusion, innuendo” and all sorts of things.....

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadian) : Or otherwise.

Mr. B. R. Puri : Or otherwise. If this sort of public discussion about political matters which deeply concern every citizen of this country will be within the penal clauses of this Bill, what would there be left for the press people to discuss and debate? The only thing that I can imagine that will be open to them to write about would be to sing the praises of the officials and to record that a certain officer was transferred from one place to another and a big party was given to him and so on. That is the only material probably that would be left to them to discuss; otherwise they cannot even honestly discuss political matters because they may possibly lead to consequences which might bring them within the purview of this Bill.

The next point that I propose to take up is this, is it correct to say that the present writings do in fact promote such murders and assassinations? My submission is that the Government have not succeeded in making out a case that these assassinations are the outcome of such writings. The question can be looked at in a two-fold manner; firstly from the purely legal point of view. I submit that before you record a verdict of guilty against any newspaper or against any writing, it is up to you to establish that here is a writing and here is the result of it. But merely stating these two items will not prove anything unless you link up the two together and unless you show that one is the cause and the other is the effect. Now look at it from the general point of view; and the general aspect which I wish to place before the House is this; that in spite of the fact that the Press has got great power and great potentiality, I cannot accept the proposition that the Press is so powerful as to create as if by magic, revolutionaries if the ground was not already prepared for it; and I submit that the real reason which has been urged on many previous occasions is—and that is the real cause at the bottom of it—that there is a great deal of discontent in the country; and that is where the ground is prepared, and in the face of that discontent, I submit that the remedy which the Government is applying is after all not the true remedy or the logical remedy. It would be readily conceded that a happy and contented people are not likely to go in for revolutionary activities; it is only the discontented and starving people who take to such desperate acts. If the condition of the people is really bad, if people are starving, they do not need a morning paper in order to remind them that they have got nothing to eat; they know it from their own condition. Therefore the Press is not responsible. Instead of applying the right remedy, the

wrong remedy is being applied. You are applying the surgeon's knife in order to cut off and to amputate a diseased limb, whereas your proper course to follow would be to resort to medical treatment to eradicate the poison from the system. That is what you are not doing. I admit you can temporarily control the actions of the people, but you cannot control their thoughts. If there is discontent in the country, you cannot make the people contented by bringing out a bigger edition of your penal code, for you cannot make them love you through your Indian Penal Code or other penal Acts. It is only when you create good will between yourself and ourselves that you will be able to feel secure. There will then be general peace and goodwill and that can only be achieved by a different sort of treatment and a different course from the one that the Government are proposing to follow by means of this Bill. These, Sir, are some of the observations which I wish to make.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President in the Chair.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division : Muhammadan Rural) : Mr. Deputy President, I am much obliged to you for giving me an opportunity to address the House on this very important subject. I really do not wish to enter into the controversy that has come in between the Government of India and the Congress, but I feel, Sir, that in the course of the debate on the floor of this House the name of my constituency has more often than once been mentioned by some of my friends on both sides, and I feel that it will be shirking one's responsibility if I do not say anything on this measure which is before the House for its consideration. Sir, it is very difficult for one like myself to argue at length on the logic of my esteemed friend, Sir Abdur Rahim, or on the logic of my friend, Mr. B. R. Puri who spoke last before lunch. If one tries to look through things impartially, he will find that perhaps the Government of India have been late in bringing forward this piece of legislation. If the Government had not lost their time in giving weight to artificial considerations, I am certain, Sir, that their time as a responsible body would have been very much better spent. So far to begin with. If one comes to the Bill itself, he will find that it is directed only against a class of people who in season and out of season have tried to cause mischief at the expense of public peace and tranquillity through printing. That being so, as I read the Bill itself, I do not find that it is likely to do harm to anybody, much less to those who in the name of giving free expression of opinion conduct newspapers and bulletins, and who say that a measure of this kind ought not to have been brought in by Government. Sir Abdur Rahim is a great lawyer ; he has held many important positions. But in this matter he has challenged the Government and asked why they have brought forward a measure of this kind on the floor of the Assembly. Of course, without being unnecessarily argumentative to him, may I ask him one question ? Has it not occurred to him that even in advanced countries like France and England you have emergent measures to prevent or check the spread of murderous crimes such as those that are taking place in my part of the country ?

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Then my Honourable friend, Mr. Jagan Nath Aggarwal, who is the President of the Lahore Bar, opined that the Bill which Government are now bringing forward will strike the printing business as a whole. If he has read Dicey correctly, which he tried to quote in support of his contention, he will find Dicey advocating that even in advanced countries like England powerful instruments of legislation like the present were undertaken to bring in peace and harmony. So much, Mr. Deputy President, with regard to what fell from my friends on my right.

It was also asked by some of the speakers in the course of the debate why not undertake the wholesale prosecutions of old offenders in this respect and have a plethora of prosecutions all round the country ; why not have a careful scrutiny of all the newspaper agencies and presses who bring out seditious articles. That, Sir, to my mind, would have created much more consternation than this simple measure which is now before the House. We would have seen many adjournment motions, and much precious time and money would have been wasted thereby.

It has been suggested, Mr. Deputy President, in certain quarters that this piece of legislation has been brought in at the suggestion of a section of the Anglo-Indian Press alone. It is nothing of the sort. Government is not a partisan Government. It is for all, and it is for the good of all. If there is less murder and dacoity, the Anglo-Indians alone do not profit. The people as a whole reap the fruits of peace and order. I do not know how far that is justifiable, because I know on the 5th or 6th of August in my part of Bengal, just after the murder of the late Mr. Garlick, the District Judge of Alipore, I presided over a meeting and in that very meeting we asked the Government to take measures by which innocent lives could be saved. It was a meeting of the Hindu, Buddhists, Christians, Anglo-Indians and all ; similar other resolutions, Mr. Deputy President, were passed in almost all parts of loyal Bengal, and if the Government, in order to lay the apprehensions of all law-abiding citizens at rest, brought in a measure like this, I do not think that any real wrong has been done thereby to any body. My Honourable friend, Mr. Mitra, suggests that perhaps the remedy would be worse than the disease. My Honourable friend may be right according to his lights, but I beg to differ from him. In my judgment, the whole trouble lies not in doing this, or doing that, but because of the policy that the Government of India have been following during the last few years, at the instance of the Government at home. They are part of a machinery which is working from a distance of 6,000 or 7,000 miles, and they are the instruments through which the Government at home give effect to their wishes. I think it is my bounden duty to warn the Government that if they persist in following the policy of the last few years what was said by the author of " The Lost Dominion " will become a reality.

Mr. Deputy President, before the lunch interval, my Honourable friend, Mr. Puri, asked, why do you bring in this measure, do you feel that this is likely to improve the situation in the country. The whole country he said is in a state of agitation, in a state of ferment. The reply to that would be this, that assertions or statements like that made on the floor of this House under the cloak of the Government of India Act go to create more mischief than what the presses sometimes do in this country. Certainly, there is great force in that statement of the learned gentleman where he said that the middle class unemployment has got something to do

with this terrorist movement. The present policy of the Government coupled with the world wide depression and unemployment of the *badralog* classes has also to my mind swelled the number of these terrorists. The Government do not want much from this House. What they want is this. They have drafted a Bill and they want it to be considered on its own merits. I am really surprised that even a sagacious man like my friend Mr. Das should have adopted these dilatory tactics to keep off the Bill for some time for eliciting opinions. Mr. Das knows very well what is the composition of this Select Committee. My Honourable friend Mr. Mitra has been able to add two other members to that Committee and I am certain he deserves our thanks, and we do not know that the Government of India themselves are very sincere in regard to this matter, because I can even now see at this stage what is likely to happen in the Select Committee. I am afraid Government have not got a majority in that Committee. I am sure that I shall not prove a false prophet if I say that the Bill, as it emerges from the Select Committee, will be more or less of a very innocuous nature.

One word, Mr. Deputy President, to those gentlemen who have been directly or indirectly espousing the cause of the opposition. Have they read history well, and do they not know the result of the Nihilist movement and that of the Carbonaris of Italy? Do they not know what is happening under Mussolini in Italy, and the state of chaos in Russia? I am certain no man having a little foresight in him, least of all a sober-minded Indian, who wishes well of this land, would think of attacking a measure, the words of which cannot be misinterpreted anywhere.

Lastly, I think I shall not be far wrong if I suggest one or two points over which the Government may profitably ponder. A little while ago, a friend of mine was telling me, "What do you think of the statement a certain gentleman made at Marseilles? My good friend, the said gentleman from Marseilles is reported to have said. If I do not attain my object, I shall come back to this country and start the old game again". Sir, statements of this kind emanating from high quarters have their repercussions on the minds of impressionable and misguided youths. Mr. Gandhi preaches non-violence, but these statements are mischievous. And if Government have any courage, they must come out and say that they will not set any premium on statements of that character. Secondly, I would suggest for their consideration that, if they want peace in this country, they must have the administration very well balanced, balanced in every sphere. If you do that, then you will feel that you are not sitting on the top of a volcano, but on that of the snow-clad mountains of the Himalayas.

Sir, some of my Honourable friends took serious objection to the statements which my Honourable friend Mr. Ghuznavi, who is not in his seat now, made with regard to the working of a certain Corporation in Bengal. Well, everybody knows the past history of the Calcutta Corporation in these matters. One Gentleman spoke of the executive officers of Government and thier over-jealousy. I think it was my esteemed friend Mian Muhammad Shah Nawaz, C.I.E. I know of a different story altogether. I know an eminent member of the Indian Civil Service who had to go on retirement after the Calcutta riots, because he issued an order under section 144, Criminal Procedure Code, against Pandit Malaviya and Dr. Moonje. My friend Mr. Das asked why this Bill was brought forward when important negotiations were going on in St. James' Palace. As a humble Member of this House I venture to think that the Government of India must have done

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so with due regard to their responsibility both to the people here and at home.

I should like to refer to the tragic death of Khan Bahadur Ahsanulla once. I have known him for many years, and we are thankful for the expression of sorrow made by a liberal Viceroy. In this connection I may pertinently ask what the Government are doing for the family of the deceased. My impression is that the Government are not doing all that it should for its trusted servants.

My friend Sir Abdur Rahim threw out a challenge to Government. I think, Sir, Government are in a very strong position to meet that challenge. This Bill is only a preventive measure and it does not send anybody to jail. Those gentlemen who want to indulge in this game of inciting young men ought to pay the penalty and the Indian Exchequer will benefit to some extent thereby. My friend Mr. Puri asked why sections 117 and 525 of the Penal Code should not be used and he tried to impress upon the imagination of the Assembly that those sections would meet the requirements of the present Bill. The present Bill does not touch anybody, it prevents mischievous print propaganda and nothing else ; the section Mr. Puri quotes are penal measures, and will never stop murderous propaganda in any shape. I am a press owner myself, and I control one or two vernacular presses in my part of Bengal.

My friend Mr. Ranga Iyer tried to take shelter under the decision of the Calcutta High Court in the prosecution case against the late Maulana Muhammad Ali. Every one knows clearly what was the import of Justice Jenkins' judgment on that occasion on "Come into Macedonia". The learned Chief Justice was of opinion that the present section of the penal law brought in the article within the purview of the law, and as such it was seditious. One gentleman also tried to question the propriety of the

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Honourable the Home Member's assertion that one of the clients of the late Mr. Norton made a confession before the Chief Justice to say that he drew his inspirations from the publications of those days ; and if the gentleman takes the trouble to read that book—the Report of the Sedition Committee on which there were two eminent Indians, he will there find what they said. They said they took their inspirations from newspaper writings. I am quite certain, Mr. President, it is hardly necessary for anybody, for any responsible Member of this House to take exception to the Honourable the Home Member's assertion. For an Honourable gentleman like himself it was not likely that he would say anything not based on facts.

Last of all, I say if this Bill goes to the Select Committee, it will not hurt anybody, but my fears are that it will be chiselled to such a shape that the Members of the Government might not with its aid be able to bring in any good to the country. If the Select Committee without prejudice give its mind to it, they can make it very useful but the question is, whether they will. No Honourable journalist or newspaper has anything to fear from this Bill. And its operation can affect only those whose object is to procure crime, without themselves committing it. With these few words, Sir, I support the Government motion. (Applause.)

Mr. Deputy President : Order, order. Though there is no time limit for speeches on legislation, I must earnestly appeal to Honourable Members to realize that this is the third day of the discussion on this Bill, and

that there are still many Honourable Members on both sides of the House who wish to take part. I would therefore appeal to Honourable Members most earnestly to be as brief as possible in their speeches.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : Sir, a great many issues have been raised in the course of the discussion which are not wholly relevant to the motion before the House. I think we are all agreed that the liberty of the Press must be protected, the licence of the Press must be curtailed (*Cries of "Hear, hear"*) ; and I do not see how it could possibly lie in the mouth of my Honourable friend, Mr. Sarma, to say, as he did this morning, that those of us who find ourselves unable to support the Bill, as it stands, owe any less allegiance to the principles and methods of non-violence than he himself owns. The whole question is, is this Bill aimed at the liberty of the Press, or at the licence of the Press ? The answer to that question would depend on another question. Is the Bill calculated to meet the object in view, and no more than the object in view, or are its provisions of such a wide and sweeping character that they would engulf both the innocent and the guilty and would degenerate into an instrument of repression ? I think the opinion on this side of the House at any rate is that the Bill is of too sweeping a character to enable us to support it as it stands ; and in fact I am not sure that many of my friends on the Government Benches do not share the same view.

Mr. K. Ahmed : How do you know that ?

Mr. H. P. Mody : How do I know that ? From the speeches made by the Honourable the Home Member, by the Honourable the Law Member and by the Honourable the Leader of the House ; they made it abundantly clear that if the House felt that the Bill was of too sweeping a character, the House could amend it as it liked in the Select Committee. Such an admission would never have been made unless they themselves felt that the Bill went far beyond the necessities of the case.

Now, Sir, I do not think the Government can object to the very legitimate fears of this side of the House with regard to the measure. The history of the Press Act, as of many other Acts, must make the representatives of the public very careful before they accord their assent to measures of this description, and I do not think that the Government can take exception to the attitude taken up by this side of the House. The question, then, arises, how far is this Bill capable of amendment in the Select Committee ? We had yesterday an assurance from the Honourable the Leader of the House that Government were not going to approach this Bill in the Select Committee in anything like the spirit which some Honourable Members on this side of the House were inclined to suspect. Sir, I entirely accept the assurance of the Leader of the House, knowing him as I do, and I am inclined to think that in the Select Committee the Government will not take up an impossible or difficult attitude. But the Honourable the Leader of the House also referred to the Home Member for a more categorical assurance on this point, and I ask my Honourable friend, the Home Member, whether he is prepared to define his attitude a little more clearly than is necessary on most occasions, or whether he is merely going to content himself with the observation that it is open to Members of the Select Committee on any Bill to amend it in any way they like without affecting the principle of the Bill. That, Sir, we all know, and I am afraid, and I submit this earnestly to my Honourable friend, that

[Mr. H. P. Mody.]

that will not do on this occasion. It is not what amendments we can suggest in Select Committee that really matter ; it is the attitude of Government towards the amendments that may be submitted from this side of the House that really matters. I should like to know, for instance, what my Honourable friend's attitude would be to the suggestion that when security is demanded, a definite period may be given for furnishing the security and that in the meantime the party concerned may have an opportunity of approaching the High Court of the province so that the High Court on a review of the case may decide whether there is a *prima facie* case for demanding security or not. I am not suggesting that there should be a regular appeal at this stage. Let my lawyer friends suggest it if they like in the Select Committee. My only concern is that the accused, before he is compelled to give security, should have an opportunity of approaching the High Court and getting a judicial decision as to whether a *prima facie* case has been made out against him. If the House receives an assurance from the Honourable the Home Member that this Bill is capable of amendment in radical particulars, and if the House finds his attitude to be as I and other Honourable Members have suggested it should be, then I am sure it will render very easy the task of those of us who are at the present moment considering what position we should take up on the motion for reference to a Select Committee.

Mr. K. Ahmed : The Leader of your Party will do that ?

Mr. H. P. Mody : I am afraid, Sir, some sort of security should be demanded of my Honourable friend (Laughter), and in the hope that some such security will be demanded, if not now, hereafter, I shall not worry about his interruptions.

There is one other consideration I should like to place before the House and that is that the Bill deals with only one among the predisposing causes of the malady. The Bill deals with incitements to violence which appear in the Press, but it does not do anything with regard to incitements to violence which are so common from the public platform. My friend, Mr. Ranga Iyer, the other day made the point that the Bill was not fair in that it left the speaker on the platform without any sort of restriction and it controlled the Press. I am not putting it on the ground of equity. My point is this that the incitements from the platform are of a far more dangerous nature than the incitements which appear in the Press. And on this point I venture to differ from my Honourable friend the Law Member, though I appreciated the very clever retort which he gave to my friend Mr. Ranga Iyer. When you have a mass meeting of thousands of people, passions are inflamed and youthful enthusiasts are apt to lose their balance of mind a great deal more easily than if they see something in cold print.

Mr. B. Das : Have you ever had an occasion to speak in Hyde Park ?

Mr. H. P. Mody : I have heard a great many speeches in Hyde Park and I must say I have enjoyed most of them.

Then there is another consideration. What are you going to do with the public bodies of repute who adjourn their proceedings when some murderer is hanged, and who indulge in resolutions of condolence, and even of appreciation at the martyrdom of the condemned man ? Sir, the most

dangerous thing of all is the apathy of public opinion, and so long as public opinion is not roused to these outrages and to the enormity of the harm which is being done to the best interests of the country, this Bill and similar other Bills will be ineffectual. I am not suggesting that on that account nothing should be done until public opinion is roused. I am going to define my attitude towards the Bill presently. My point is that unless public opinion is roused, you will not find any of your measures very effective against violence. When self-government comes, and the terrorist movement is directed against national leaders, and not against the upholders of what is regarded now as an alien system of government, then I think will be the time for us to realise what harm such outrages can do to the permanent interests of the country. Sir, it is the fashion for the Presidents in certain South American Republics to come in by the ballot and to go out by the bullet. When that fashion comes to this country, and some of our friends who may then be sitting on the other side of the House, and some of the honoured leaders of the people find the weapon of the terrorist directed against them, then alone will there be a proper appreciation of what the terrorist movement means to this country.

Sir, my final conclusion is that a section of the Press is pouring out the most poisonous stuff, and that it requires to be dealt with properly. It is no argument to say—and I am not suggesting it myself at any rate—that because you are not dealing with other symptoms of the disease, therefore you must not tackle this particular symptom of the disease. All I say is that if a proper Bill is forthcoming for the suppression of incitement to violence in the Press, then I, for one, cannot possibly withhold my assent to it. The only point is whether that proper Bill is forthcoming, and the decision, in my opinion, rests entirely with the Government Benches.

Nawab Major Malik Talib Mehdi Khan (North Punjab : Muhammadan) : Sir, I am bound to support this Bill on the simple and, I hope, adequate ground that love of my country and a taste for the elementary decencies of civilization compel me to do so. No one can forget the hardships the people bore during the period the non-co-operation campaign was so vigorously prosecuted. Every one was fed up with the state of affairs brought about by it, and all right thinking men and well wishers of the country were longing for a halt to be called. His Excellency Lord Irwin and Mahatma Gandhi read the signs of time and with a view to save the country from a dreadful fate awaiting it, entered into conversations which eventually developed into what is now known as the Irwin-Gandhi Pact. The public are not aware of all the terms agreed upon, but this much is certain that all hostilities were to cease. This was carried out on the one side by recalling pickets and co-operation with the authorities, and on the other by releasing the persons convicted of political crimes. The settlement, however, failed to achieve the desired object, as it could not create a calm atmosphere because a part of the Press did not fall into line with those who desired peace in the country, and tried to keep the fire burning. The execution of Bhagat Singh and his two companions on 23rd March was taken advantage of to keep up the spirit of young men. If anyone desires to have a first-hand knowledge of the subject, I will refer him to the extracts from newspaper articles relating to incitement to terrorist crime or to the eulogy of those concerned with such crime published by the Government of India. Some articles of this publication were read to the House on the 11th, which showed their nature and I need not refer to them again. Columns and columns were written in

[Nawab Major Malik Talib Mehdi Khan.]

the eulogy of these misguided youths, namely, Bhagat Singh, Sukhdev, and others, which were meant to inspire other youngsters to follow in their footsteps and acquire immortal fame. What was the result ? I will give it in figures because they afford the best means to illustrate one's meaning. The calendar of crimes of a terrorist nature committed in various provinces of India between the middle of March and the end of August published by the Government of India shows for Bengal 38, Bihar and Orissa 5, Bombay and Sind 7, Central Provinces 1, Delhi 2, North-West Frontier Province 4, Punjab 8 and the United Provinces 11. Total 76. There is another list attached to the same publication which shows that 34 murders or attempts on the lives of Government officials and others by terrorists or of a terrorist nature were committed during the same period. These figures aptly illustrate the reception accorded to the settlement by the Press and the apostles of revolution. I have taken the figures from the middle of March because by that time the Pact had been known all over the country. But if we take the figures for 1930 and part of 1931 extending up to the end of March, they come to 184 and 101, respectively. Is it not a terrible state of affairs and does not the fate of young men who sacrificed their lives at the altar of revolution evoke feelings of pity ? A search in the depths of the hearts of their parents and relatives will reveal deep wounds which nothing can heal and which if endowed with tongues would give a sad tale of misery and affliction.

It is argued that the Bill before the House contravenes the terms of the Pact, but the list of crimes committed after it proves the necessity of taking prompt action if the lives of officials and other innocent people carry any value. The Bill in its application will save the lives of many innocent persons who are done to death for no fault of theirs. On the other hand it will help many young men to avoid the gallows, because the papers will think twice before they excite their feelings. It is thus designed to serve a useful purpose in following the principle, "Prevention is better than cure".

This revolutionary movement is sought to be justified by those who carry it on on the ground of emancipation of the country, no doubt an object which requires sacrifice. But it is to be seen whether the means applied for its attainment are appropriate. We ought to realise that hundreds and thousands of raw youths who would have been a source of pride to their parents and valuable factors in bringing about the greatness of their country waste their lives in jails or pay the penalty of their misguided patriotism by losing them. Let me quote His Excellency the Viceroy's remark on the present situation which he made in his address to the Members of the Central Legislature on the 14th instant. His Excellency after referring to some senseless murders or attempts on the lives of officials said :

"A disquieting feature of these tragic happenings lies in the fact that these outrages have been committed for the most part by immature youths who at the most emotional and susceptible time of their lives are being literally exploited through the teachings and writings of revolutionary leaders to carry out their criminal and murderous designs."

This remark ought to convince even the most sceptical as to the seriousness of the situation. I will also refer Honourable Members to the

resolution passed by the All-India Congress Committee in Bombay early last month. It said :

“ The All-India Congress Committee warns those who secretly or openly approve of or encourage murders that they retard the progress of the country. It calls upon Congress organisations to carry on special propaganda against all acts of public violence even where provocation is given for such deeds. Further, the All-India Congress Committee appeals to the Nationalist press to use all its influence in this behalf.”

It is gratifying to see that the movement is condemned on all sides.

There is no gain saying the fact that to be free is the birthright of every nation, and I do not lag behind anyone in pushing the cause of freedom. But I do not agree with the revolutionary method which is being applied to gain the object. My opinion is that we ought to devote our energies primarily to emancipating the country from the social and economic bonds under which the majority of the people are groaning. They should be given proper education, and brought on to a level where they can feel their responsibility in shouldering the burden and add their strength to furtherance of its cause. Unless we remove the cleavage existing between various classes, I am afraid we fail in our object.

I may in this connection invite the attention of my friends to the effect the reforms had on the country. Has not the gulf between various communities been widened ? Is not one class trying its utmost to keep the other out of its legitimate share, and do we not find that no one is satisfied with its lot ? If the literature that is being poured into the country at this juncture when the delegates of Great Britain and India have joined their heads together to find a formula for the future constitution of India is an index of our intentions, one despairs of any good coming out of their deliberations. Our primary duty therefore is to create trust for one another and make a unanimous demand for a further instalment of reforms, that is, Dominion Status. It is then and then alone that our voice can carry weight. The Press can render really good service by working on these lines and espousing the cause of peace in the country. It ought to refrain from preaching the cult of revolution as it is bound to create chaos, which the Bill before the House is intended to avoid.

I do not say that it is free from defects, but such defects as exist in it can be rectified by the Select Committee. As regards the fear of its misuse, is there any law which has not been misapplied on occasions ? The Bill has provided a safety-valve by giving authority to the High Court to set aside the order of forfeiture.

In the end, I appeal to my friends in the name of *Bharatmata* when we all love so well, in the name of those sons of it, some of whom may soon be required to lay down their lives which are so sacred and ought to be saved, in the name of peace without which no country can prosper, to help the authorities to provide it.

U Kyaw Myint (Burma : Non-European) : I had hoped, Sir, to have more time at my disposal than seems possible to-day ; but in deference to your wishes I will cut my speech down as far as possible. I of course oppose the Bill, and I intend to oppose it at every stage.

My main purpose, however, in rising to-day is to remove a misapprehension as regards the Burma Ordinance referred to by the Honourable the European Member from Burma as well as by my Honourable friend, **U Tun Aung**. That Ordinance is Ordinance No. 5 of 1931. The main objec-

[U Kyaw Myint.]

tion that the country has to that Ordinance is that it provides for the control of the Press. Section 13 of that Ordinance provides not only for the control of the Press, but also for the demand of security and the forfeiture of security and property on the lines laid down in the present Bill before us. I wish to remove this misapprehension, particularly because the reports in some of the local papers of the debates are somewhat misleading. It is not a Press Ordinance ; it is generally referred to as the Burma Rebellion Ordinance of 1931 ; but, as I was submitting just now, the main grievance of the country is that the Ordinance provides for the control of the Press. I have to refer to the Ordinance at this stage because when I left the shores of Burma, the introduction of the present Bill was unknown in that country. Since my arrival here, however, I have received numerous messages asking me to oppose the Bill at every stage.

To realise the full implications of that Ordinance, one has to remember that the rebellion which is mentioned in its title had been going on for over seven months when the Ordinance was promulgated....

Mr. F. B. Leach (Burma : Nominated Official) : May I inquire which Ordinance the Honourable Member is talking about ? There are two Ordinances in Burma : one is called the Rebellion Trials Ordinance which has just been replaced by an Act of the Legislative Council : that has nothing to do with the Press at all. The other is called the Emergency Powers Ordinance. I imagine that he was alluding to that ; but he has just said something about the Bill in the Legislative Council, and he appears to me to be confusing the two Ordinances.

U Kyaw Myint : I submit that the confusion is on the part of the Honourable Member who has interrupted me. ("Hear, hear" and "Laughter" from the Nationalist Benches.) I have given the number of the Ordinance, No. 5 of 1931, and I have referred to only one Bill, the Bill at present under discussion in this House. I am perfectly aware that the other Ordinance referred to by the Honourable Member has expired, and that it has been replaced by an Act. The Legislative Council, I may say in passing, threw the Bill out the first time ; it was reintroduced in an amended form, and, just before I left Burma, let it be said to the shame of Burma, the Legislative Council passed it and it is now an Act.

To resume, I have already submitted the reason why I am referring to the Ordinance at all. The introduction of the present Bill was unknown to Burma when I left it. The control of the Press is the main grievance, and I speak, not on behalf of people who did not elect me, as my Honourable the European friend from Burma did, but on behalf of the people who elected me here as their representative. The attitude of the people in Burma towards any attempt to control the Press on the part of the Government is this : it has been evinced by certain actions of the people themselves. Two All-Burma Conferences have been held in Rangoon. There has been a great tussle on the separation question, and there are two different camps, one for separation and the other against it—I belong to the latter camp. But on this particular point of the control of the Press and the Ordinance, we are in complete agreement. Those conferences were held in the month of August ; first, a conference of Separationists, and secondly, a conference of Anti-Separationists. At each conference a resolution was unanimously passed condemning this Ordinance, which includes

amongst other things control of the Press, and demanding its withdrawal. I am really following the expressed opinion of my countrymen—and I do that as a representative in this House of my country—in opposing this Bill.

The time at my disposal is very short and I will go at once to the Bill. I am unable, although I greatly admire the graceful delivery and the perfect phraseology of the Honourable the Law Member, to follow his reasoning. He said at one stage in his speech that there were fundamental differences between the Press Act of 1910 and the present Bill. I do not know whether I interpret the word "fundamental" in a manner different to that in which he does. I have carefully compared the Press Act of 1910 and the provisions of the present Bill; and, except that the scope of the Act of 1910 was wider and that the definitions in the present Bill are more comprehensive, I can see no difference, either fundamental or otherwise. I have also taken the trouble to compare the old Bill, which has been withdrawn, with the Bill now under discussion. Except that the old Bill was aimed, amongst other things, at the civil disobedience movement, there is no difference, either fundamental or otherwise.

I should like to ask the Government, why are they afraid of circulating this Bill for public opinion?

I think it was the Honourable the Home Member who said that the Bill had the support of the public. I can hardly accept that statement, unless he refers to a limited section of the public, namely, the Anglo-Indian public ("Hear, hear" from the Nationalist Benches). I have taken pains, ever since my arrival in this country, to peruse very carefully every available comment on the Bill in the Press. After all, the comments of the press are the comments of the public—the public of India as a whole. Every Indian comment has been adverse to the Bill, and no one can deny that the Indian element in India is the most important element. Why has not the public been consulted about this Bill? Why not circulate it now? It is not too late to do that. Why have not the journalistic organisations and the Press organisations, who after all are the most concerned with this measure—why have they not been given an opportunity of expressing their opinion? Why is there the necessity for such a hurry? Unless, as my Honourable friend, Mr. Puri, puts it, there is some motive which has not been expressed on the floor of this House. Whether that motive is worthy of the Government or not, I am not in a position to say. But the effect of this Bill, if it passes into law, will be to wipe out practically the whole of the indigenous Press of this country.

The Honourable the Law Member was pleased to call this Bill a one-clause Bill and a one-topic Bill. My opposition is a one-topic opposition and a one-clause opposition (Hear, hear). The Bill is fundamentally unsound; it transgresses all known principles of jurisprudence. On that ground alone—and I submit that is a sufficient ground—I oppose it.

Mr. E. Studd (Bengal : European) : Sir, I have listened with close attention to the speeches on both sides of the House on this Bill. It seems to me that on the Opposition Benches there is still a great deal of misunderstanding. We have heard from some speakers the motives of the Government questioned, although it seems to me they have made it as clear as they possibly can make it, that their intention and their desire is to deal only with that section of the Press which encourages and has been

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encouraging terrorist crimes. We also had certain speakers who impugned the motives of what they were pleased to call the Anglo-Indian Press and the British community. Now, it does seem to me that suggestions of that sort, suggestions of mistrust and wrong motives, are clouding the issue ; and I do maintain that however much Members on the Opposition Benches may disagree either with the views of the Government or with the views of members of the European community, they should at least give us credit for desiring to do what is best for India, just as much as they do. I have no quarrel with anybody who thinks that my opinions are all wrong ; but I have a quarrel with him when he suggests that, when I hold those opinions, I do so because I have not got any honest motives. It seems to me the issue is a clear one. I should like to remind Honourable Members, in case they may have forgotten it or in case they are not aware of it, that a meeting was held in Calcutta as a result of the murder of Mr. Garlick. No one could possibly claim that that meeting was instigated by the Anglo-Indian Press. It was a meeting of all citizens of Calcutta, of all sections of the community. Honourable Members have only to read the names of the distinguished citizens of Calcutta who were on the platform to realise how representative that meeting was. They passed resolutions at that meeting which called in strong and clear terms, for definite action to be taken against sections of the Press and against public bodies who eulogised murder. The Dalhousie Institute was crowded out. In anticipation of a large number of people attending, no chairs were provided except for about three rows, and there was only standing room. Before the time advertised for the meeting the doors had to be closed and hundreds of people had to be turned away. At that meeting, Sir, it is remarkable that the strongest speakers, people who were most emphatic in calling for action to be taken to deal with this particular type of propaganda, were not the representatives of the British community, but the representatives of the Indian community (Hear, hear). Now, Sir, I think that makes it perfectly clear that there is a very strong feeling in Calcutta amongst all sections of the community that something must be done, and that Government must take strong action. When we come down to the facts of the case, I do not think I have heard any speaker in this House during the course of this debate who has suggested that terrorist activities do not exist or that the various articles appearing in the newspapers, some of which are reproduced in these pamphlets, are not, in their eulogy of murder, helping to make the evil worse. I agree quite frankly with my friend, Mr. Mody, that action is desirable against the platform and against public bodies who eulogise murder, but I should like to put this point to him and to other Honourable Members, and that is, I do believe that if control can be exercised over newspapers and pamphlets publishing articles of this kind, that thereby indirect control will also be exercised over the platform. At any rate, as far as Bengal, as far as Calcutta particularly is concerned, such meetings are not very largely attended, the people who do attend are not of any very important sections of the community, and the publicity that they get and the harm that they do is very largely done through the reproduction in the Press of the speeches which are made at those meetings.

Now, as I listened to some of the speeches on the opposite Benches, I was reminded on more than one occasion of an old English proverb which talks of shutting the stable door after the horse has gone. A number

of Members asked why there should be any objection to circulating this Bill. Surely, the answer is that if action is necessary at all, it is necessary as soon as possible. If you circulate this Bill, it means that nothing can be done for six months. In six months you will have more vicious, poisonous articles in the Press ; you will have probably more Government servants brutally murdered in the execution of their duties, and you will have—what to my mind is even worse than that—for another six months, the youth of the country at the most impressionable age will go on imbibing these entirely wrong ideas and not merely be encouraged to commit more terrorism, but be encouraged in a spirit of antagonism to law and order, a spirit of quarrel with ordered Government and the peaceful carrying on of society. Do my Honourable friends opposite realise that that spirit is a spirit that is not going to be cured in a day or a month or a year ? In the near future there is going to fall on them the responsibility for controlling and ruling this country. If Honourable Members allow the young men of this country to go on imbibing that spirit, I say that they are storing up a dreadful heritage for themselves. Personally, I believe that the Government would be failing in their duty if they did not do their utmost to stop that spirit being spread.

Now, Sir, my Honourable friend, Sir Hari Singh Gour, enunciated the theory that every dog is allowed one bite. I do not know whether that is an established principle of law or not. I am only looking at it from the point of view of the common sense man in the street, and I must say that if one dog has one bite of me, I should take jolly good care to see that neither he nor any other dog can get another bite, if I can help it ; and it does seem to me that a lot of argument of that kind has been directed against this Bill. For instance, my Honourable and learned friend, Mr. Puri, gave us a long dissertation on the law as it stands. He is a lawyer, and he said he could not understand why the present law was insufficient. Well, as I have said before, I am not a lawyer ; perhaps I am rather dense on legal principles. It does seem to me from a common sense point of view that the present law is punitive ; it can only go and look for the horse after it has got out of the stable and drive him back whereas the Bill the Government have put forward is preventive. The whole idea is to try and stop this kind of thing being published, not to punish the publisher after he has published such writings and after the harm has been done. But even so, the matter is not quite so easy as that, because it is one thing to say punish a man when he breaks the law. But what is happening actually in a number of cases now ? It is not the paper that is well known or that has been established for a long time that is producing some of the worst of this stuff, it is the little mushroom press which starts up to-day, perhaps runs for a week printing this kind of stuff and then disappears. By the time an attempt is made to get hold of the authors of such writings, the owners of that press, the people who are responsible for the press have probably disappeared and possibly a fortnight hence they start up in another place under another name and do the same thing again.

Now, Sir, I do not think there is very much more for me to say. I hope that Honourable Members opposite will realise that we on these Benches are just as anxious as they are to see what is best for India done, and we do feel—and I know that a large number of my Indian friends in Bengal feel just as strongly as we do—that some action must be

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taken and must be taken quickly to eradicate this evil. We have heard a great deal of criticism from the Opposition Benches as to why the various clauses of the Bill have been made so wide or impracticable. I have listened in vain, for a really practical suggestion, for something better than the proposal that the Government have put up. After all, at the moment we are only asked to vote upon the main principle ; we are not asked to discuss the details. It is quite open to the Select Committee to consider and possibly alter the various clauses of the Bill so long as the main principle is borne in mind that it must be wide enough to catch the man who is busy getting round the law and that it must be strong enough to enable the Government to stamp out, or at any rate, to keep in check the evil, because I do not think that it can be stamped out entirely until, as my Honourable friend, Mr. Mody, said, public opinion is educated up to the stage of inculcating in the youth of the country that such things are abhorrent.

Sir, for these reasons, I strongly support the motion for Select Committee. (Applause.)

Several Honourable Members : " Let the question be now put."

Mr. Deputy President : The question is :

" That the question be now put."

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadian Rural) : Before you proceed further, may I submit that no representative from Bengal has as yet spoken on this motion, and I leave it to the discretion of the Chair as to whether it will allow the closure or not.

Mr. Deputy President : The Honourable Member has been sufficiently long in this House to understand the rules of procedure of this House. So far as the procedure relating to a closure motion is concerned.....

Mr. Amar Nath Dutt : It is within the discretion of the Chair.

Mr. Deputy President : Order, order. The Honourable Member ought not to interrupt the Chair when the Chair is speaking. So far as the procedure relating to closure is concerned, it is prescribed in paragraph 62 of the Manual of Business, and that paragraph runs thus :

" At any time after a motion has been made any member may move ' That the question be now put ', and, unless it appears to the President that the motion is an abuse of the rules or standing orders or an infringement of the right of reasonable debate, the President shall then put the motion ' That the question be now put '."

It is perfectly open to any Honourable Member at this stage to exercise his right under this paragraph and move that the question be now put. The course for the Chair to decide then is to make up its mind whether such a motion is an infringement of the right of debate. After a motion has been debated for three days and after 23 Honourable Members have taken part in the debate, it is too much to expect the Chair to think that there has been an infringement of the right of debate. I therefore hold that, the Honourable Member who has moved the closure motion being perfectly entitled to make that motion, and as, in my opinion, such a motion, is not an infringement of the rights of debate, have no alternative but to put the question that the question be now put....

Mr. Amar Nath Dutt : If the Chair is satisfied that there has been a debate and that all shades of opinion have taken part in the debate, because I felt that only one side had been allowed to speak and not the other side. (*Cries of "Order, order."*) I therefore appeal to the Chair to consider whether or not there has been a sufficient debate inasmuch as only one side of the picture has been brought out and not the other side. But if the

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Chair is satisfied, I have nothing else to say. (*Laughter.*)

I am sorry that I should have been spoken to in the tone in which the Chair has spoken.

Mr. Deputy President : The question is :

"That the question be now put."

The Assembly divided :

AYES—60.

Abdoolah Haroon, Seth Haji.

Abdul Qaiyum, Nawab Sir Sahibzada.

Allah Baksh Khan Tiwana, Khan Bahadur Malik.

Auklesaria, Mr. N. N.

Azizuddin Ahmad Bilgrami, Qazi.

Badi-uz-Zaman, Maulvi.

Bajpai, Mr. R. S.

Banerji, Mr. Rajnarayan.

Chinoy, Mr. Rahimtoola M.

Crerar, The Honourable Sir James.

Dalal, Dr. R. D.

DeSouza, Dr. F. X.

Dyer, Mr. J. F.

Elliott, Mr. C. B.

Fazal Haq Piracha, Shaikh.

Fox, Mr. H. B.

French, Mr. J. C.

Graham, Sir Lancelot.

Griffiths, Mr. G. I.

Heathcote, Mr. L. V.

Hezlett, Mr. J.

Howell, Mr. E. B.

Ishwarsingji, Nawab Naharsingji.

Ismail Ali Khan, Kunwar Hajee.

Jawahar Singh, Sardar Bahadur Sardar.

Knight, Mr. H. F.

Lal Chand, Captain Rao Bahadur.

Lall, Mr. S.

Leach, Mr. F. B.

Montgomery, Mr. H.

Moore, Mr. Arthur.

Morgan, Mr. G.

Muazzam Sahib Bahadur, Mr. Muhammad.

Mukherjee, Rai Bahadur S. C.

Pandit, Rao Bahadur S. R.

Parsons, Mr. A. A. L.

Rafiuddin Ahmad, Khan Bahadur Maulvi.

Raghubir Singh, Kunwar.

Rainy, The Honourable Sir George.

Rajah, Rao Bahadur M. C.

Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.

Rama Rao, Rai Bahadur U.

Row, Mr. K. Sanjiva.

Roy, Mr. S. N.

Sahi, Mr. Ram Prasad Narayan.

Sams, Sir Hubert.

Sarma, Mr. R. S.

Schuster, The Honourable Sir George.

Sher Muhammad Khan Gakhar, Captain.

Shillidy, Mr. J. A.

Studd, Mr. E.

Suhrawardy, Sir Abdullah.

Sykes, Mr. E. F.

Tait, Mr. John.

Talib Mehdi Khan, Nawab Major Malik.

Todd, Mr. A. H. A.

Yakub, Sir Muhammad.

Yamin Khan, Mr. Muhammad.

Young, Mr. G. M.

Zulfiqar Ali Khan, Sir.

NOES—42.

Abdur Rahim, Sir.
 Aggarwal, Mr. Jagan Nath.
 Azhar Ali, Mr. Muhammad.
 Bagla, Lala Rameshwar Prasad.
 Das, Mr. B.
 Dutt, Mr. Amar Nath.
 Gour, Sir Hari Singh.
 Harbans Singh Brar, Sirdar.
 Hari Raj Swarup, Lala.
 Hoon, Mr. A.
 Ismail Khan, Haji Chaudhury Muham-
 mad.
 Jehungir, Sir Cowasji.
 Jha, Pandit Ram Krishna.
 Jog, Mr. S. G.
 Krishnamachariar, Raja Bahadur G.
 Kyaw Myint, U
 Lalchand Navalrai, Mr.
 Maswood Ahmad, Mr. M.
 Misra, Mr. B. N.
 Mitra, Mr. S. C.
 Mody, Mr. H. P.

Murtuza Saheb Bahadur, Maulvi Sayyid.
 Pandian, Mr. B. Rajaram.
 Parma Nand, Bhui.
 Phookun, Mr. T. R.
 Puri, Mr. B. R.
 Puri, Mr. Goswami M. R.
 Ranga Iyer, Mr. C. S.
 Reddi, Mr. P. G.
 Reddi, Mr. T. N. Ramakrishna.
 Sant Singh, Sardar.
 Sarda, Rai Sahib Harbilas.
 Sen, Pandit Satyendra Nath.
 Shah Nawaz, Mian Muhammad.
 Singh, Kumar Gupteshwar Prasad.
 Singh, Mr. Gaya Prasad.
 Sitaramaraju, Mr. B.
 Sukhraj Rai, Rai Bahadur.
 Thampun, Mr. K. P.
 Tun Aung, U
 Uppi Saheb Bahadur, Mr.
 Ziauddin Ahmad, Dr.

The motion was adopted.

The Honourable Sir James Crerar : (Home Member) : Mr. Deputy President, before I proceed to make some reply on the debate, I should like, as a preliminary, to ask your permission and the permission of the House to make two small changes in the form of the motion. The first is that for 18th, 21st be substituted, and the second is, at the request of the Honourable the Leader of the Independent Party, to substitute for his name that of Mr. Sitaramaraju.

Mr. Deputy President : The question is :

“ That for the words ‘ 18th September ’, the words ‘ 21st September ’ be substituted, and the name of Mr. Sitaramaraju be substituted for that of Sir Abdur Rahim.”

The motion was adopted.

The Honourable Sir James Crerar : Sir, the debate has travelled over a very extensive ground, and in making a very brief survey of its general result I think I may say with a considerable amount of confidence that two propositions have generally been affirmed, with very few exceptions, by the general sense of the House. The first is that the terrorist movement, towards one aspect of which the Bill is directed, as I contended in my opening speech and as many other Members in all parts of the House have contended, constitutes a very grave and critical danger to the whole country, a danger which is daily becoming more grave and more critical. It is also, I think, agreed with a very small measure of dissent, that it was directly and immediately incumbent upon Government to take some measure

to remedy this appalling evil. There was also, I think, a very substantial measure of agreement, in some cases unqualified, in others to a greater or lesser degree qualified, that the measure proposed in this Bill was a practical measure, which would commend itself to the vast majority of reasonable and thinking men. I pointed out in my opening speech that the danger with which we had to cope was one which threatened the best and the most permanent interests of the country and that it was alike inconsistent and incompatible with, and indeed repugnant to, the culture and tradition both of England and India. So far, Sir, as the Indian point of view on that point is concerned, it received, I think, its highest and most eloquent expression in the admirable speech delivered by my Honourable colleague, the Law Member, which received its due meed of applause in all parts of the House. I do not intend to refer to general considerations of that kind. I shall merely attempt to deal with some of the more important arguments which have been impressed upon me with special emphasis and summarise very briefly indeed the case as it now presents itself to me. But before I proceed further on those lines, I desire to answer the question which has been put to me in a very definite form by more than one Honourable Member. The question was, if this Bill was referred to a Select Committee by the House, what would be the attitude of Government with regard to amendments that might be proposed in that Committee. I should like to say this. The sole object of the Bill is to prevent writings which incite to or encourage murder or crimes of violence, or which express approval or admiration of murder or crimes of violence or those who commit such offences. Subject to the effective attainment of this object, it is the earnest desire of Government that the Bill should cause as little inconvenience as possible to the Press. Government will be ready to consider sympathetically any suggestion that may be made in this respect and in examining any suggestion of this nature they will apply only the practical test whether its acceptance is consistent with the main object as stated above. Sir, I have made that position clear.

Now, Sir, the main argument which was repeated by those who opposed the Bill was that, under colour of a measure directed against the terrorist movement, Government were seeking to establish a general control over the Press for other, and it was implied for illegitimate, purposes. I hope I have already made it perfectly clear that that is not the case; but if it is necessary, I desire to repeat in the most emphatic terms that that is not the case. I think Honourable Members who harbour any surmises of that kind, if they gave the matter a little reflection, would come to the conclusion that it would be a very foolish thing on the part of the Government, confronted as they are with many and great difficulties in other directions, to take upon their shoulders, quite gratuitously, unnecessary and superfluous difficulties. So far from desiring in any way to deal hardly or unfairly with the Press as a whole, it is our desire to enlist the Press as a whole in the best interests of the country (*Cries of "Hear, hear"*); and I feel that if the degree of purgation and purification of the Press which I hope will result from this measure is duly effected, I am most profoundly convinced that the Press as a whole will be in a much stronger position to exert, in the best interests of India, its great and powerful influence. And I trust, Sir, that that influence will not be exerted solely in the columns of the sane and reasonable Press. We have a fact on which as I recently congratulated the House, several eminent journalists

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in our midst, and I hope that they will bend their minds to the organization of the journalistic profession on sound lines and to establishing a body which will exercise, in the right direction, the powerful influence which they possess. If action is taken on those lines, I can assure the Honourable Members concerned that it will have the utmost sympathy and support of the Government.

Now before I pass on to say a very few brief words about the measure itself, I desire to deal with an argument which was urged very strenuously, more particularly by the Honourable and learned gentleman from the Punjab. He said that the Government in asking the House to consider this measure, showed a singular degree of ineptitude because, he alleged, they had not rigidly examined the Statute-book and discovered and employed measures which, he assured us and the House, were perfectly capable of coping with the mischief to its uttermost extent. He complained, not quite justly I think, that the spokesmen on the Government side entirely failed to deal with the inadequacy of the existing law. I shall deal with that point, Sir, briefly, because I think the House is already pretty fully apprised of the state of affairs in that regard. Now there are two points which I wish to make on this aspect of the case. The first is this. There are no doubt punitive and penal measures on the Statute-book which in certain circumstances are, and can be made, extremely effective. But they are also capable of very easy evasion; and it is notorious, at least it is very well-known and very familiar to all those who have studied the subject, that one of the commonest methods of evasion is what is known as the appointment of dummy editors, men of straw, who are put up nominally to make declarations as editors and publishers but who in no way control or guide the policy of the writings of the newspaper.

Mr. B. R. Puri : Excuse me, but your Bill also attacks the keepers of presses.

The Honourable Sir James Crerar : I should like to tell Honourable Members very briefly that there was a very recent instance of that kind which has come to my notice, and it is only one among hundreds which have come within the experience of Local Governments during several years past. Here is a statement made by a person who had been accused under section 124-A. He says :

“ I joined the newspaper on the 19th March, 1931, on a salary of Rs. 30. While I may be sent to jail, the allowance for actual expenses is raised from Rs. 30 to Rs. 50. In return, I filed a declaration in my own name as printer and publisher of the newspaper. I for myself am unable to write decent editorial comments, and the actual work of Editor was carried on by the Assistant Editor, the Sub-Editors and the reporters.”

Now, I wish only to give one specific definite instance of what I mean, and this is only one instance out of many hundreds. But the main point which I wish to emphasise, and which has already been made by more than one speaker, is that a penal measure, a measure which can only deal with an offence after it has been committed, is not sufficient. What we require and what this Bill provides is a preventive measure, a measure to prevent the mischief from affecting the body politic, at the source—not to wait until, the mischief has already been done, before a remedy is applied. I was somewhat surprised that the Honourable Member, like other Honourable Members who addressed questions to these Benches regarding the necessity of controlling platform speakers, forgot that if those questions were answered in

the affirmative, this would have meant a very great extension of his measure, or the introduction of other measures. I do not know whether Honourable Members who raised those objections to the present Bill would be prepared to support measures of the kind contemplated. I am not quite convinced of that, but at any rate I think that Mr. Mody, though he himself raised that point, also introduced a point which is really a legitimate reply to it, that that is no reason why the existing measure should not be considered and passed upon its merits. The Honourable and learned Member from the Punjab put to me a further question. He said, "If we were so anxious to curb incitements and encroachments to murder, why do you not take similar steps against so grievous an offence as seducing His Majesty's troops from their allegiance?"

Mr. B. B. Puri : That was not my argument at all. What I submitted was that if section 505 was considered a good preventive measure to check an incitement of troops, which is a far more dangerous thing, then it should be a good enough measure to effectively check any incitement on the part of the Press.

The Honourable Sir James Crerar : Well, Sir, I do not consider the Honourable Member's argument a good one, for this reason. The section to which he refers is no doubt a good punitive section against the reduction of troops from their allegiance. But what we rely far more upon than that section is the unshaken and steadfast loyalty of our troops, and not on any punitive measure whatsoever. (Loud Applause.) Criticism has also been made, Sir, that the Bill is misconceived because it does not really aim at the root causes of the terrorist movement. But surely the answer to that, Sir, is this. In so far as the terrorist movement is an expression of discontent, I presume that it is to be inferred that the discontent is created by one of two principal causes, either political or economic. Now, so far as political causes are concerned, I think that Honourable Members who are prepared to regard the matter in a fair and judicial way will agree that the policy of His Majesty's Government and of the Government of India is to promote, as expeditiously as they can, the political progress of the country, and that that is the most effective and most comprehensive measure which they can possibly take. As regards the economic troubles, they are very deep-seated and profound, and I fear that the evils which they cause cannot be abolished by a stroke of the pen. It will require long and painful adjustments of economic and social conditions before discontent arising from that cause can be removed. But what we ask the House to do, though we admit that the Bill cannot affect the remoter causes, is to take a useful and effective remedy for one particular aspect of the question. Nor is it a small and insignificant aspect of the question. No one who has studied the question can possibly deny that incitements and encouragements to murder and violent crime of the character to which this Bill is directed are a factor of the most tremendous importance in the commission of terrorist crime. I should have hardly thought it necessary for me to have adduced any evidence on that point. But I would only say this, that if any reasonable man who has observed or has had brought to his notice the character of the writings to which this Bill is directed, has realised the context of the terrorist crimes, by which they have been associated or by which they have been followed, he would hardly have come to any other conclusion but that there is a very direct relation of cause and effect between those two things. That is the unanimous testimony of Local Governments. It has been one of the most familiar and frequent occurrences in our

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experience that, after the publication of some particularly bad incitement to crime or murder, murder and crime have very shortly followed. I do think that a reasonable and prudent man cannot, on the evidence before him, but regard that fact as proved. I say, Sir, that this matter is one from which the Government themselves cannot divest themselves of responsibility. It is a matter of great urgency. If for no other reason, I would ask the House to consider the position of the officers of Government who from day to day and week to week, in constant peril of their lives, are discharging their duties with the utmost courage and devotion. The House has expressed a large measure of sympathy with those officers, both British and Indian, who have fallen and also for their families. But let us remember, while we can, the position of those now engaged in these arduous and dangerous duties. I ask the House to consider that aspect of the question very carefully, and I should like to repeat what was said by the Honourable the Leader of the House that I can hardly conceive of anything more likely to encourage these officers in the discharge of their duties than the feeling that this Central Legislature not only sympathises with them but is prepared to show its sympathy in an active form. (Hear, hear.)

I shall only say one word on the subject of the amendment for the circulation of this Bill. The Mover of that amendment began by saying that he had every desire to assist the Government, but as my Honourable colleague, Sir George Rainy, pointed out, he appeared in the capacity of one making a Grecian gift. And I should like to put the matter to him in another way. He was, I think, prepared to acknowledge the justice of my claim that assurances of this character have been given very frequently in the past. Now, Sir, I present to him a Bill which has already reached its maturity, and he asks me, in effect to come again next year. If that really represents the Honourable Member's deliberate point of view, I do not think that he and those who think with him are honouring the Bill.

Sir, I have already detained the House at some length and I have only a few words to say in conclusion. In the address which His Excellency the Governor General a few days ago delivered to the Indian Legislature, he used language which was quoted with approval by more than one Member of the House, and in particular it was quoted with approval by my Honourable friend opposite, Mr. Ranga Iyer. He referred to two particular words—"necessary and reasonable". His Excellency expressed his profound confidence that the House would confer upon the Government, in the face of this great and growing evil, powers which are necessary and reasonable. That they are necessary, there are not very many Members present in this House, I think, who are prepared to deny: that they are reasonable, I myself most strenuously contend. But I ask Honourable Members to bear carefully in mind what I have said with regard to the intentions of the Government that this Bill be referred to the Select Committee. In the terms of the reply I made to the question asked thus, if there is anything unreasonable or inconsistent with the position which I have explained to the House, no one will be more ready than myself to see to that and, if necessary, to co-operate, in making it reasonable.

Mr. Deputy President : The original question was :

"That the Bill to provide for the better control of the Press be referred to a Select Committee consisting of Mr. B. R. Puri, Mr. C. S. Ranga Iyer, Mr. Arthur

Moore, Sir Abdullah Suhrawardy, Dr. F. X. DeSouza, Mr. A. Hoon, Rao Bahadur S. B. Pandit, Mr. B. Sitaramaraju, Sir Hari Singh Gour, Mian Muhammad Shah Nawaz and the Mover with instructions to report on or before the 21st September, 1931, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Since which an amendment has been moved :

" That the Bill be circulated for the purpose of eliciting opinions thereon by the 2nd January, 1932."

The question is that that amendment be made.

The Assembly divided :

AYES—31.

Aggarwal, Mr. Jagan Nath.
Azhar Ali, Mr. Muhammad.
Bagla, Lala Rameshwar Prasad.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Hoon, Mr. A.
Jha, Pandit Ram Krishna.
Jog, Mr. S. G.
Krishnamachariar, Raja Bahadur G.
Kyaw Myint, U
Lalchand Navalrai, Mr.
Mitra, Mr. S. C.
Murtuza Saheb Bahadur, Maulvi Sayyid.

Parma Nand, Bhai.
Phookun, Mr. T. R.
Puri, Mr. B. R.
Ranga Iyer, Mr. C. S.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Sen, Mr. S. C.
Singh, Kumar Guptaeshwar Prasad.
Singh, Mr. Gaya Prasad.
Sukhray Rai, Rai Bahadur.
Thampan, Mr. K. P.
Tun Aung, U
Uppi Saheb Bahadur, Mr.

NOES—73.

Abdoolah Haroon, Seth Haji.
Abdul Quyum, Nawab Sir Sahibzada.
Abdur Rahim, Sir.
Ahmed, Mr. K.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anklesaria, Mr. N. N.
Anwar-ul-Azim, Mr. Muhammad.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Chinoy, Mr. Rahimtoola M.
Cresser, The Honourable Sir James.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Dyer, Mr. J. F.
Elliott, Mr. C. B.
Fazal Haq Piracha, Shaikh.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.
Fox, Mr. H. B.
Freneh, Mr. J. C.
Graham, Sir Lancelot.
Griffiths, Mr. G. I.
Heathcote, Mr. L. V.

Hezlett, Mr. J.
Howell, Mr. E. B.
Ishwarsingji, Nawab Naharsingji.
Ismail Ali Khan, Kunwar Hajee.
Ismail Khan, Haji Chaudbury Muhammad.
Jadhav, Mr. B. V.
Jawahar Singh, Sardar Bahadur Sardar.
Jehangir, Sir Cowasji.
Knight, Mr. H. F.
Lal Chand, Captain Rao Bahadur.
Lall, Mr. S.
Leach, Mr. F. B.
Maswood Ahmad, Mr. M.
Misra, Mr. B. N.
Mody, Mr. H. P.
Montgomery, Mr. H.
Moore, Mr. Arthur.
Morgan, Mr. G.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mukherjee, Rai Bahadur S. C.
Pandit, Rao Bahadur S. R.
Parsons, Mr. A. A. L.
Puri, Mr. Goswami M. R.

Rafiuddin Ahmad, Khan Bahadur Maulvi.
 Raghubir Singh, Kunwar.
 Rainy, The Honourable Sir George.
 Rajah, Raja Sir Vasudeva.
 Rajah, Rao Bahadur M. C.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed.
 Rama Rao, Rai Bahadur U.
 Rastogi, Mr. Badri Lal.
 Row, Mr. K. Sanjiva.
 Roy, Mr. S. N.
 Sahi, Mr. Ram Prasad Narayan.
 Sams, Sir Hubert.
 Sarma, Mr. R. S.

Schuster, The Honourable Sir George.
 Shah Nawaz, Mian Muhammad.
 Sher Muhammad Khan Gakhar, Captain
 Shillidy, Mr. J. A.
 Studd, Mr. E.
 Suhrawardy, Sir Abdullah.
 Sykes, Mr. E. F.
 Tait, Mr. John.
 Talib Mehdi Khan, Nawab Major Malik
 Todd, Mr. A. H. A.
 Yakub, Sir Muhammad.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.
 Zulfiqar Ali Khan, Sir.

The motion was negatived.

Mr. Deputy President : The question is :

“ That the Bill to provide for the better control of the Press be referred to Select Committee consisting of Mr. B. R. Puri, Mr. C. S. Ranga Iyer, Mr. Arthur Moore Sir Abdullah Suhrawardy, Dr. F. X. DeSouza, Mr. A. Hoon, Rao Bahadur S. R. Pandit Mr. B. Sitaramaraju, Sir Hari Singh Gour, Mian Muhammad Shah Nawaz and the Mover with instructions to report on or before the 21st September, 1931, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was adopted.

THE INDIAN MINES (AMENDMENT) BILL.

Mr. J. A. Shillidy (Secretary, Industries and Labour Department)
 Sir, I move that the Bill further to amend the Indian Mines Act, 1923 for a certain purpose, be taken into consideration. It is a very short Bill and I have nothing to add to the Statement of Objects and Reasons. I will not, therefore, take up the time of the House further.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non Muhammadan Rural) : Sir, I would suggest that the Honourable Member who moved this motion had made a speech, however short, interpreting this motion, instead of merely moving the motion, though I recognize he did so because the hour was so late, I think it is an important motion and I wish the Honourable Member had thrown some light on the subject. I should like to know what the Government have to say on it.

Mr. J. A. Shillidy : I am quite willing to do so : I thought it would be the desire of the House that I should not take up their time at this hour.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : And go on at some length.

Mr. J. A. Shillidy : I would like to oblige the Honourable Member, but there is so little to be said about this Bill that I find it exceedingly difficult to comply with his request. Under the Indian Mines Act there are certain duties and responsibilities laid upon the District Magistrate as such, but there are no District Magistrates in Presidency towns, and therefore this Bill provides that the duties of the District Magistrate shall be

performed in Presidency towns by the person appointed by the Local Government to perform the duties of a District Magistrate under this Act in that town. I am very sorry—I would like to oblige the House in it so desires and the Honourable Member with a long speech, but I do not know that there is anything more to be said than that.

Mr. Deputy President : The question is :

“ That the Bill further to amend the Indian Mines Act, 1923, for a certain purpose, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. J. A. Shillidy : Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN SUCCESSION (AMENDMENT) BILL.

Sir Lancelot Graham (Secretary, Legislative Department) : Sir, I move that the Bill further to amend the Indian Succession Act, 1925, for a certain purpose, be taken into consideration. This is a very small Bill, possibly smaller than Mr. Shillidy's Bill ; but I am afraid that if I made such a short speech I should find my friend opposite getting very and saying that this Bill is of vast importance and that I am trifling with this House, and therefore with your permission, Sir, I propose to make just a very few remarks on this Bill, enough I hope to satisfy my friend, Mr. Ranga Iyer. The present position under the Indian Succession Act is that corporations have not been allowed to apply for probate or letters of administration : that is following the English procedure. Now, the English procedure was changed in that respect in 1920, and corporations which can satisfy certain conditions mentioned in rules under the Act are, under the English law, allowed to apply for probate or for letters of administration. What we propose by this Bill to do is precisely the same : that is to say, any association of individuals will not be entitled to obtain probate or letters of administration unless it is one which satisfies the conditions laid down by rules to be made by the Governor General in Council in this behalf. Sir, I move.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Sir Lancelot Graham : Sir, I move that the Bill be passed.

The motion was adopted.

THE SHERIFF OF CALCUTTA (POWERS OF CUSTODY) BILL.

Sir Lancelot Graham (Secretary, Legislative Department) : Sir, I move that the Bill to extend the powers of the Sheriff of Calcutta to hold persons in lawful custody be taken into consideration. On a previous occasion in moving for leave to introduce this Bill, I think I gave the

[Sir Lancelot Graham.]

House sufficient indication as to what was the purpose of the Bill. The Bill is a short one and it is necessitated by the closing of the Alipur Bridge for structural repairs, as a result of which it is not possible for prisoners in charge of the Sheriff to be taken from the jail to the court without going outside the limits of the jurisdiction of the Calcutta High Court. The point, as my Honourable friends might observe, is a somewhat fine one : for a short time in transit, these prisoners might be described as not being in legal custody and therefore if they tried to escape they would be quite justified in doing so. On the other hand if they appear in court and apply for *habeas corpus*, they will not be in a position to argue the case with any force that for some time in the course of their transit they were not in legal custody. This position has been going on for some years. I understand this Bridge has been closed from time to time ; and therefore possibly with a view to avoid the institution of a suit for unlawful detention, it is proposed that this Bill should have retrospective effect for the last five years or rather from 1925. There were two methods of dealing with this problem : one was the method adopted in the Bill which is a very simple one : the other one was to extend the jurisdiction of the Calcutta High Court, and that would have involved a very complicated state of affairs, which would be quite unjustifiable having regard to the particular needs. That being so, we have proceeded according to the first method. Sir, I move.

Mr. Deputy President : The question is :

“ That the Bill to extend the powers of the Sheriff of Calcutta to hold persons in lawful custody be taken into consideration.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Sir Lancelot Graham : Sir, I move that the Bill be passed.

The motion was adopted.

THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands) : Sir, I move that the Bill to amend the Aligarh Muslim University Act, 1920, for certain purposes, be taken into consideration. In 1927, the Aligarh Muslim University Inquiry Committee made certain proposals under which it was required that the system of Intermediate Colleges be reviewed. The Government of India agreed that this Question should be examined by the University authorities themselves at an early date. The matter was accordingly considered by the General Overhauling Committee of the University in 1930, and the Bill now before the House is the result of their recommendation. The main provision is contained in clause 2 of the Bill, while clauses 3, 4 and 5 are consequential changes. I believe it is admitted on all hands that the proposals of the University are a distinct improvement on the existing Act.

Mr. Deputy President : The question is :

“ That the Bill to amend the Aligarh Muslim University Act, 1920, for certain purposes, be taken into consideration.”

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Sir, I move that the Bill be passed.

The motion was adopted.

THE LAND CUSTOMS (AMENDMENT) BILL.

The Honourable Sir George Schuster (Finance Member) : Sir, I beg to move that the Bill to amend the Land Customs Act, 1924, for a certain purpose, be taken into consideration. The object of this Bill is clearly and shortly explained in the Statement of Objects and Reasons, but I might perhaps elaborate what is there said to some extent in order to inform Honourable Members of the state of affairs with which this Bill proposes to deal. The danger against which this Bill is aimed chiefly occurs on the frontier of French India. The extent to which dutiable goods are smuggled from French India into British India across the land frontier has been growing rapidly in recent years as a result of the high level to which our rates of customs have now been brought. We have recently had to augment our preventive staff on the French frontier at a cost of about Rs. 1,18,000 per annum. Recent reports from the Collector indicate that the situation is still serious, particularly in respect of the smuggling of silver. The Collector reports that smuggling is now carried on by organized bands who are prepared at any time to offer violence if they are interfered with. There have been 16 cases of assault on customs officers taken into the courts during the last four years. Serious injuries have been inflicted in some cases, and three men have actually been killed. The present penalties for smuggling provided under the Land Customs Act are confiscation and fine. As it is very rarely possible to bring the owners of the goods to book, and as those actually employed in the carriage of contraband are generally men from whom little can be recovered except the goods themselves, and as that penalty is not found to be a sufficient deterrent, it has been decided by the Government that further measures are necessary, and this Bill proposes to amend the Land Customs Act so as to provide that on prosecution before a Magistrate a smuggler may be punished with imprisonment extending to six months, or with any of the penalties which are at present within the power of the Collector of Customs to impose.

Mr. B. Das (Orissa Division : Non-Muhammadan) : I would like to ask the Honourable the Finance Member one question. While I support him in the object which he has in view, I think the Bill will apply not only to the French land frontier but also in the Viramgam land frontier where salt and sugar are smuggled. I want only an assurance about salt smuggling. I will remind the Honourable the Finance Member about the latitude that the Government of India have given to villagers even on the sea coast to manufacture salt. Suppose a certain villager

[Mr. B. Das.]

living in the Viramgam frontier customs line smuggled salt and a very vicious customs official goes and tries to prosecute, is it the intention of the Honourable the Finance Member that the salt smugglers should also be punished to the extent of six months imprisonment? If that is not the intention, I would suggest to the Honourable Member that he should confine this piece of legislation to only smugglers of silver and drugs that come out of the French frontier, and he should say so, so that it may not apply to salt smugglers in other land frontiers such as the Viramgam land frontier.

The Honourable Sir George Schuster : Sir, my Honourable friend 5 P.M. has asked for an assurance from me and at the same time he has suggested that I should amend the Bill. If he desired that the Bill should be amended, I suggest to him that his proper course would have been to put down an amendment for consideration in the House.

Mr. B. Das : I never expected that the Bill would come up to-day.

The Honourable Sir George Schuster : As regards the assurance which he requires from me, I see less difficulty about giving him that. I can assure my Honourable friend that there is no intention of using the powers under this Bill except where very substantial losses to the revenue are involved, and that possibility is practically confined to the smuggling of articles on which the duty is high and the value of which is high. I think my Honourable friend's fears that it might be applied in cases of salt—although I hope that there will be no smuggling of salt—I think his fears that it would be applied in such cases are comparatively unjustified. As a matter of fact, it is extremely unlikely that this Bill could be abused, because we should in practice find it very difficult to spare the time and services of a Customs Sub-Inspector to prosecute in a Magistrate's Court except in the most glaring and serious cases. I think therefore that my Honourable friend can vote for this measure with a completely clear conscience.

Mr. Deputy President : The question is :

“That the Bill to amend the Land Customs Act, 1924, for a certain purpose, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir George Schuster : Sir, I move that the Bill be passed.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock, on Thursday, the 17th September, 1931.

LEGISLATIVE ASSEMBLY.

Thursday, 17th September, 1931.

The Assembly met in the Assembly Chamber at Eleven of the Clock,
Mr. President in the Chair.

QUESTIONS AND ANSWERS.

NATIONAL HEALTH INSURANCE SCHEME FOR INDIA.

447. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : Do Government contemplate the appointment of a committee to investigate and formulate a scheme of National Health Insurance for India ?

Mr. J. A. Shillidy : The Royal Commission on Labour has recommended the appointment of a Committee to examine the possibility of a Health Insurance Scheme for industrial workers. This recommendation will receive consideration by Government, but there is no proposal for a general scheme of National Health Insurance.

UTILISATION OF THERMAL SPRINGS IN INDIA.

448. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : Are Government aware that there is a large number of thermal springs existing in the various parts of India ? Will Government be pleased to state what steps have been taken to utilise these springs to the best advantage ? Will Government be prepared to appoint a committee to investigate and suggest how these springs can be utilised and developed to greater advantage ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Yes, but there is no record of steps, if any, taken to utilise them. It is open to Local Governments to institute investigations of the kind the Honourable Member has in view.

ABOLITION OF THE POST OF PUBLIC HEALTH COMMISSIONER WITH THE GOVERNMENT OF INDIA.

449. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : (a) Will Government be pleased to state if the Incheape Committee had recommended the abolition of the post of the Public Health Commissioner with the Government of India ?

(b) If so, will Government be pleased to state why the post has not yet been retrenched and also why the grade of the post has been raised from that of a Colonel to that of a Major-General with its added emoluments ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). The Honourable Member is referred to the reply I have already given on this subject to Rai Sahib Harbilas Sarda's question No. 234.

ABOLITION OF THE POST OF PUBLIC HEALTH COMMISSIONER WITH THE GOVERNMENT OF INDIA.

450. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : Will Government be pleased to state :

- (a) how often the Public Health Commissioner has gone out of India, either on deputation or otherwise, during the years 1929 and 1930, respectively, giving the period of his absence out of India on each occasion and the reason thereof ;
- (b) whether his duties in India are not likely to be interfered with by his frequent absence out of the country ; and
- (c) whether this officer's frequent absence out of India extends over several months in the course of the year, and if so, whether Government have considered the question of retrenching his post as recommended by the Inchcape Committee ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b) and (c). The attention of the Honourable Member is invited to the reply already given to Rai Sahib Harbilas Sarda's question No. 235 on the same subject.

ATTENDANCE OF THE PUBLIC HEALTH COMMISSIONER WITH THE GOVERNMENT OF INDIA AT CONFERENCES OUTSIDE INDIA.

451. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : Will Government be pleased to state :

- (a) if it is absolutely necessary for the Public Health Commissioner personally to attend various international conferences outside India, which he has been doing at present ;
- (b) whether it is not possible for other officers either under Central or Local Governments, or under various municipalities and local boards, or for members of the independent medical profession, to attend such conferences in the same way as is the case in the matter of the Indian representation at the annual sessions of the League of Nations or of the International Labour Conference at Geneva ; and
- (c) if they propose to consider the advisability of deputing different officers or members of the independent medical profession to attend the International Conferences on health matters ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The attention of the Honourable Member is invited to the reply already given by me to Rai Sahib Harbilas Sarda's question No. 236.

CONSTITUTION OF THE GOVERNING BODY OF THE INDIAN RESEARCH FUND ASSOCIATION.

452. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : (a) Will Government be pleased to state :

- (i) if they have come to any conclusion with regard to the constitution of the Governing Body of the Indian Research Fund Association ; and

(ii) if not, whether they intend to give due weight to the recommendation in this connection of the Conference held at Simla on the 21st and 22nd July, 1930, of the representatives of Government, the Central Legislature, the Medical Faculties, the Indian Medical Association and non-medical scientists, and enlarge the representation of the Medical Faculties, the Independent Medical Profession and of non-medical scientists on that body as recommended at that Conference ?

(b) Will Government be further pleased to state when they hope to bring the matter up for the consideration of this House ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Recommendations have been examined and proposals as to reconstitution framed.

(b) It has not been intended that this Honourable House be called upon to frame the constitution of the Body.

Mr. B. Das : May I ask what is the defect of this Honourable House that it should not have representation on this body ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : That will never happen.

Mr. B. Das : Is it the intention of Government to have Members of this House on that body ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Certainly. There is every intention of doing that.

FREQUENT CHANGE OF DIRECTOR OF THE HAFKINE INSTITUTE, BOMBAY.

453. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : Will Government be pleased to state :

(a) if the Director of the Haffkine Institute, Bombay, is appointed by or on the recommendation of the Department of Education, Health and Lands ;

(b) if it is true that eight different I. M. S. officers acted as Director of that Institute during the course of nine years, from January, 1921 to December, 1929, there being 11 changes of Directorships during this period, and on eight out of these 11 occasions the Directorship was held by different officers for periods of not more than 10 months' duration at a time ; and

(c) if so, will Government be pleased to explain

(i) why such frequent changes were permitted, and

(ii) if such changes are conducive to efficiency ?

(d) Are Government prepared in the interest of efficiency to order that such frequent changes will not be made at that as well as the other bacteriological institutes in the country whose Directors are either appointed or recommended to be appointed by the Department of Education, Health and Lands ? Is it a fact that these institutes obtain large grants for carrying out various researches at their institutes from the funds of the Indian Research Fund Association to

which the Assembly has been voting a grant of 7½ lakhs of rupees a year, for several years past ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) to (d). The Honourable Member is referred to the reply which I have already given to Mr. Gaya Prasad Singh's question No. 158. With reference to the last sentence of the question, the correct position is that grants are made from the funds of the Indian Research Fund Association to individual research workers, who may or may not be on the staff of the Bacteriological Institutes, for specific enquiries which are carried on in these Institutes for laboratory convenience.

ENCOURAGEMENT OF ARCHÆOLOGICAL RESEARCH BY PRIVATE OR SEMI-GOVERNMENT INDIAN SOCIETIES.

454. *Khan Bahadur H. M. Wilayatullah : (a) Is it a fact that Dr. Hunter of the Morris College, Nagpur, put forward a scheme for archæological research in the Central Provinces but that the Director General of Archæology informed the Nagpur University that the scheme must remain in abeyance for the present ?

(b) If so, are Government prepared (i) to remove the ban placed by the Director, and (ii) to encourage archæological research by private or semi-Government Indian societies and associations ? If not, why not ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes.

(b) As the Honourable Member is aware, Government have introduced in this session a Bill to amend the Ancient Monuments Preservation Act, 1904. Under the proposed legislation, it will be open to universities, learned societies, and scholars outside the Archæological Department to conduct archæological research subject to suitable control.

PROHIBITION OF A LECTURE BY DR. HUNTER AT THE DELHI UNIVERSITY.

455. *Khan Bahadur H. M. Wilayatullah : Is it a fact that in November, 1929, Dr. Hunter offered to deliver a lecture on Mohenjodaro and Harappa, under the auspices of the Delhi University, with the Chief Commissioner of Delhi in the Chair and that the lecture was stopped within a few hours before delivery ? If so, at whose instance, by whom and under what legal authority ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The answer to the first part of the question is in the affirmative. The lecture was cancelled by Dr. Hunter himself on receipt of a letter from the Director General of Archæology in India reminding him of the undertakings he had given when he was granted special facilities for studying the material at Mohenjodaro and Harappa.

Dr. Ziauddin Ahmad : Is it the intention of Government to establish a monopoly in research and lectures ?

• **The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** Certainly not.

Dr. Ziauddin Ahmad : Then why was Dr. Hunter refused permission to publish his book and lectures ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Because the Government publication on the subject had every right to be presented

to the public before the subject was open to public discussion and public writing.

Dr. Ziauddin Ahmad : This is monopoly. Why should Government have precedence ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Because the Government had the whole material in their possession. If the Honourable Member or any of his friends come to Government and say "Will you let us see your material ?" and Government say, "You can, provided you publish nothing till the Government publication is out and the Honourable Member agrees to it", he can't very well ask a friend to intervene on his behalf and say, "Let him go first to the market".

Mr. K. Ahmed : It is the principle of copyright.

EMPLOYMENT OF DR. HUNTER ON ARCHÆOLOGICAL WORK IN INDIA.

456. ***Khan Bahadur H. M. Wilayatullah :** (a) Are Government aware that in 1930 the University of Oxford conferred a Doctorate in Philosophy on Dr. Hunter in appreciation of his work on Mohenjodaro and Herappa ?

(b) Are Government aware that Dr. Hunter is the author of the publication "Summerian Contracts" published by the Oxford University Press and that this publication has been favourably received in the *Journal of the Royal Asiatic Society*, the *Orientalistische IV Literaturzeitung*, the *Tablet*, the *Congregational Quarterly* and the *Expository Times* (America) ?

(c) Have Government ever considered the question of employing Dr. Hunter in some archæological post so that his knowledge and achievements should not be lost to India ? If not, why not ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Calendar of the Oxford University shows that the degree of Doctor of Philosophy was conferred on Mr. Hunter in 1930.

(b) Government have seen the review of Dr. Hunter's book in the *Journal of the Royal Asiatic Society* for January 1931. They have not seen the other reviews referred to by the Honourable Member.

(c) An application from Dr. Hunter to be placed on special duty for the prosecution of his researches into the Indus Valley Script was received through the Government of the Central Provinces. The Government of India were unable to accede to this request, as they did not consider that they would be justified in defraying the expenditure involved.

CONGRESS REPORT ON INDIA'S FINANCIAL OBLIGATIONS.

457. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

- (a) whether or not their attention has been directed to the publication of what is known as the Report of the Special Committee of the Karachi Congress on India's Financial Obligations ;
- (b) if so, the conclusions that have been arrived at by them with respect to the findings of that Committee ; and

- (c) if not, whether they propose to consider the points raised by the Committee and arrive at a decision of their own regarding them ?

The Honourable Sir George Schuster : (a) Yes.

(b) and (c). Government do not propose to take any action.

INDIANS REPATRIATED FROM SOUTH AFRICA.

458. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the number of Indians that were repatriated from South Africa by way of compulsory repatriation ;
- (b) the number that was repatriated from the same place by the scheme of voluntary repatriation ;
- (c) the number that has been repatriated from the same Colony through " Repatriation under the Assisted Scheme " from 1927 onwards ;
- (d) whether it has come to their knowledge that the repatriated emigrants are often put to inconceivable distress and difficulties on their return to India ; and
- (e) whether or not they have directly or indirectly encouraged and fostered the indentured immigration of Indians abroad ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The words " compulsory repatriation " are not understood.

(b) The number of Indians repatriated under the Indian Relief Act, 1914, up to the end of July, 1927, was 23,029.

(c) 7,997 up to the end of June, 1931.

(d) Reports that Indian emigrants generally do not feel happy on their return to India have come to the notice of Government.

(e) The attention of the Honourable Member is invited to the reply given by me earlier in this session to part (b) of Mr. Bhuput Singh's question No. 382.

NEWSPAPERS UTILISED BY THE EAST INDIAN RAILWAY FOR THE PUBLICATION OF NOTICES AND ADVERTISEMENTS.

459. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

(a) the names of all newspapers and periodicals which the East Indian Railway Administration have availed themselves of in this country in publishing their notices and advertisements in 1929-30 and during the current year ; and

(b) the amount that each of such newspapers and periodicals has been paid in 1929-30 by the Railway Administration for such services ?

Mr. A. A. L. Parsons : (a) and (b). The information asked for is not readily available and Government do not propose to ask for its compilation, which would involve a very considerable amount of clerical work.

REPRESENTATION OF BENGAL LANDHOLDERS AT THE ROUND TABLE CONFERENCE.

460. ***Mr. Nabakumar Sing Dudhoria** : Will Government be pleased to state :

- (a) whether or not the names of some gentlemen from Calcutta were proposed to the Government of India by the Government of Bengal for the next Round Table Conference ;
- (b) if the answer to part (a) is in the affirmative, whether any of those names were accepted by the Government of India and recommended to His Majesty's Government ;
- (c) whether the Government of India was impressed by the Government of Bengal with the necessity for special representation of the Bengal landholders on the next Round Table Conference ;
- (d) if the answer to part (c) is in the affirmative, the result of the Bengal Government's representation ;
- (e) whether any representation, on behalf of the Bengal landed interests to get well-represented on the forthcoming Round Table Conference, which was voiced by the British Indian Association of Calcutta, came to the Government of India ; and
- (f) if the answer to part (e) is in the affirmative, the result of such representation ?

The Honourable Sir George Rainy : (a) to (f). I would refer the Honourable Member to the reply which I gave on the 26th January, 1931, to Mr. Bhuput Sing's unstarred question No. 18.

DETERIORATION OF PASSENGER CARRIAGES ON THE EAST INDIAN RAILWAY.

461. ***Mr. Nabakumar Sing Dudhoria** : Will Government be pleased to state whether their attention has been drawn to the rapid deterioration that has gone on with respect to carriages of passenger trains on the East Indian Railway system for want of their timely overhauling ?

Mr. A. A. L. Parsons : No.

PURCHASE OF THE ASSAM-BENGAL RAILWAY.

462. ***Mr. S. C. Mitra** : (a) Will Government be pleased to state whether the Government of India have come to any final decision in regard to the purchase of the Assam-Bengal Railway by the State at the termination of the present contract with the Company ?

(b) Is it a fact that the time for giving due notice to the Assam-Bengal Railway Company for the purchase of the Railway by the State has already lapsed ?

(c) If the answer to the above be in the affirmative, will Government be pleased to state the reason for their delay in giving the notice terminating their present contract ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to the reply given by me on the 17th February last to Mr. Anwar-ul-Azim's

question No. 530. In accordance with the Resolution adopted by the Assembly on the 18th July, 1930, negotiations were undertaken with the Assam-Bengal Railway to obtain for Government an extension of their option to terminate the Company's contract on 31st December, 1931, but the Company were not prepared to grant the option. As, for the reasons which were fully explained in the course of the debate on the Resolution which I have mentioned, the purchase of the Assam Bengal Railway under the terms of their contract was not feasible, notice of intention to purchase the line was not given.

PURCHASE OF THE ASSAM-BENGAL RAILWAY.

463. *Mr. S. C. Mitra : (a) Will Government be pleased to state what steps do they propose to take for acquiring the Assam-Bengal Railway for State-management at the end of the term of their present contract ?

(b) Is it a fact that notice was not served on the Company in time to give the Company a chance for refusing under the terms of the present contract to hand over the Railway to the State till the expiry of another term ? If so, how do Government propose to overcome the difficulty ?

Mr. A. A. L. Parsons : (a) The next opportunity for acquiring the Assam Bengal Railway under the terms of the Company's contract occurs on the 31st December, 1941.

(b) I am not sure that I understand the Honourable Member's question, but, as I have explained in my reply to the previous question notice was not served on the Company by Government of their intention to terminate the Company's contract on the 31st December, 1931.

Mr. Gaya Prasad Singh : Sir, may I take it that the Assam-Bengal Railway will not be taken over by the State till 1941 ?

Mr. A. A. L. Parsons : The next opportunity under the terms of the contract occurs in 1941. I am not able to prophesy whether outside the contract negotiations with the Company might not be undertaken before that year.

Dr. Ziauddin Ahmad : Is it not a fact that, when this question was referred to the Assembly last time, the Assembly granted an extension for only one year ?

Mr. A. A. L. Parsons : As I have already explained in my answer the recommendation of the Assembly was that we should negotiate with the Company for an extension, but our negotiations were not successful, since the Company were not prepared to agree.

Dr. Ziauddin Ahmad : Is it not a fact that the Government had originally proposed an extension for 10 years, but that the Assembly definitely refused that suggestion and gave permission to extend it for only one year, and that without coming back to the Assembly, you have yourself extended the contract for another 10 years ? Is that not an insult to the Assembly ?

Mr. A. A. L. Parsons : There has been no question of Government extending the contract. As we were not able to give notice of purchase the contract automatically remained in force.

Dr. Ziauddin Ahmad : Why was this question not referred to the Assembly during the Delhi Session, and why did you begin to act practically against the decision of the Assembly ?

Mr. A. A. L. Parsons : The matter was referred to the Assembly, and, on the advice of the Assembly, we negotiated with the Company with a view to getting an extension of our option to purchase. The negotiations were unsuccessful, since the Company refused to give us the extended option proposed.

Dr. Ziauddin Ahmad : I am sorry I did not follow your answer. Will you repeat it ?

Mr. A. A. L. Parsons : The Assembly recommended that negotiations should be entered into with the Company to obtain an extension of the option to purchase. In accordance with that Resolution the Government entered into those negotiations, but the negotiations were not successful. The Company refused to give us the option, and we had no means of forcing them to do so.

Dr. Ziauddin Ahmad : If the Company refused the option, then the evident alternative was for the Government to purchase the line. Why then was the matter of the purchase delayed ?

Mr. A. A. L. Parsons : The Honourable Member's recollection of what happened in the Assembly does not coincide with mine. It was recognized that the purchase of this railway at the present time would be a very bad bargain, and that Government had not got the money for it. We were obliged therefore to let the opportunity to purchase go.

Dr. Ziauddin Ahmad : If the Government begins to take action against the decision of the Assembly, then we are no better than debating societies. Is not that so ?

Mr. A. A. L. Parsons : Government took no action against any decision of the Assembly in this matter.

Mr. K. Ahmed : In view of the fact that on the last Budget this Assembly disallowed 6 crores of rupees, how is it that the Member of the Railway Department could have been expected to say that it was more advisable to purchase the Railway than to extend the term for another 10 years ?

PURCHASE OF THE BENGAL AND NORTH WESTERN RAILWAY.

464. ***Mr. S. C. Mitra :** (a) Is it a fact that the time for giving notice to the Bengal and North Western Railway Company for the purchase of the Railway by the State at the end of their present contract has lapsed ? If not, will Government be pleased to state the latest date by which such notice must be given to the Company for terminating their present contract and to acquire the Railway by the State ?

(b) Is it a fact that under the existing contract with the Company there is a clause giving the Company the power to work the line for another term of years if the notice is not given to the Company by a certain date ?

(c) If so, will Government be pleased to state whether they propose to remind the Bengal and North Western Railway Purchase Committee to

give their decisions in time, so that the date of the notice to the Company for terminating their contract may not lapse ? If not, why not ?

Mr. A. A. L. Parsons : (a) (i). No.

(ii) The 31st December, 1931.

(b) Yes.

(c) The Report of the Committee was laid on the table of the House on the 9th September, and a Resolution on the subject will be placed before the Assembly in the course of the present Session.

CREATION OF AN ADVISORY BOARD FOR INLAND STEAM NAVIGATION COMPANIES.

465. ***Mr. S. C. Mitra :** (a) Is it a fact that Government have decided to create an Advisory Board for the inland steam navigation companies ?

(b) If so, will Government be pleased to state when they propose to create the Board ?

(c) Will Government be pleased to state whether this House will be given representation on this Board ? If so, in what proportion to the representation of other bodies or individuals ?

The Honourable Sir George Rainy : The attention of the Honourable Member is invited to the provisions of section 54-B. of the Inland Steam-vessels Act, 1917, under which the power to make rules for the appointment of Committees to advise the owners, agents and charterers of inland steam-vessels on questions affecting the interests of passengers and shippers of goods is vested in the Local Government. The question of the Government of India creating an Advisory Board for inland steam navigation companies does not, therefore, arise.

UNSATISFACTORY ACCOMMODATION FOR THE STAFF OF THE RAILWAY MAIL SERVICE AT HOWRAH STATION.

466. ***Mr. S. C. Mitra :** (a) Are Government aware that the office of the Howrah Station R. M. S. is located in a very filthy and insanitary room ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reasons why the staff of that office has been kept so long in that insanitary condition ?

(c) If the answer to part (a) be in the negative, do Government propose to inquire into the matter and remedy the grievances of the staff of that office by locating the office in a bigger and a better ventilated room ?

(d) Is it a fact that the room is too small to accommodate all the staff in that office and a temporary extension of it has been made by a tarpaulin ? If so, are Government aware of the insanitary condition in which the staff of that office is made to work in that temporary shed in this rain ?

Sir Hubert Sams : With your permission, Sir, I propose to reply to questions Nos. 466 and 467 together.

The matters referred to are within the competence of the Postmaster-General. Inspections are made in the ordinary course of duties

and Government have no information that the inspection of the Railway Mail Service offices has been overlooked.

UNSATISFACTORY ACCOMMODATION FOR THE STAFF OF THE RAILWAY MAIL SERVICE AT HOWRAH STATION.

†467. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state whether the Director General of Posts and Telegraphs or the Postmaster General of Bengal, ever inspected the office accommodation given to the Howrah station R. M. S. office ; if not, do they propose to inspect it for verifying the insanitary condition of the office accommodation given to the staff of that office ?

(b) Do Government propose to direct the Director General of Posts and Telegraphs and the Postmasters General in the different provinces to inspect the R. M. S. offices located in the stations over the different Railways ?

BOUNTIES PAID TO THE TATA IRON AND STEEL COMPANY BY GOVERNMENT.

468. ***Mr. Bhuput Sing :** Will Government be pleased to state the total amount that the Tata Iron and Steel Co., Ltd., have received from the Government of India by way of bounty during the last ten years ?

The Honourable Sir George Rainy : Rs. 2,08,70,400.

INDIAN LABOUR IN MALAYA.

469. ***Mr. Bhuput Sing :** Will Government be pleased to state :

(a) whether they are aware of the existence of a committee known as the Indian Immigration Committee in Malaya ;

(b) if so, the constituents of that Committee ;

(c) the nature of functions that the Committee is supposed to discharge ;

(d) whether it is not a fact that 50 cents and 40 cents for men and women respectively working in accessible areas and 58 cents and 46 cents for those working in inaccessible areas fixed by the Indian Immigration Committee in 1929 for labourers in Malaya, are the lowest minimum wages and were arrived at after mature deliberations on the part of that body ;

(e) whether they are aware that every plantation in Malaya provides for location of drink shops near the lines of labourers on the plea that shops are kept close by so that the labour force may remain quite steady there ;

(f) whether it is a fact that of late the Labour Department in Malaya have repatriated a number of labourers to India on the ground of trade depression ; and

(g) the ordinary amenities and benefits that labour enjoys in the plantations and mines in Malaya ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes.

(b) The Committee is composed of five official and eleven non-official members. The official members are (1) Controller of Labour (Chairman), (2) Deputy Controller of Labour, Malaya, Penang (Vice-Chairman and Secretary), (3) General Manager, Federated Malay States Railways, (4) Director of Public Works, and (5) Principal Medical Officer, Federated Malay States. Of the 11 non-official members, 9 are Europeans and 2 are Indians.

(c) The Committee is concerned with the management of the Indian Immigration Fund, the imposition of quarterly rates of assessment to the Fund, the fixation of standard rates of wages and other kindred matters relating to Indian immigration.

(d) These wages were fixed for some districts in Malaya in 1929, after taking into consideration the cost of living at that time.

(e) The majority of the estates have one or more toddy shops which are so located as to be easily accessible to the labourers. The Malayan Governments have now adopted a common policy with a view to restricting the number of these shops both in towns and on estate and to limiting the hours of sale.

(f) Yes.

(g) The labour laws of Malaya require an employer to provide for the labourers employed by him sufficient and proper house accommodation and sanitary arrangements, sufficient supply of wholesome water, medical attendance and treatment, hospital accommodation and sufficient supply of medicine. The Controller of Labour may also require employers of Indian labour to open schools if there are ten or more children between 7 and 14 years of age.

DEFERRED REBATES SYSTEM OF BRITISH SHIPPING COMPANIES.

470. *Mr. Bhuput Sing : Will Government be pleased to state :

- (a) whether there exists a system of "Deferred Rebates" among the British Shipping Companies in the coasting trade of India ;
- (b) if so, whether or not the shipping companies that offer such rebates form among themselves a "Ring" or "Conference" ;
- (c) whether or not the United States of America, Australia, Africa and France have already legislated against the deferred rebates system ; and
- (d) whether they are aware that the system of deferred rebate has been condemned by eminent jurists as "immoral in ethics and unfair in economics" ?

The Honourable Sir George Rainy : (a) The reply is in the affirmative.

(b) It is understood that a "Conference" exists, but that it does not consist exclusively of British shipping companies.

(c) The United States of America, Australia and South Africa have legislated against the deferred rebate system. The Government of India have no information regarding France.

(d) The Government of India are aware that the system has been severely criticized.

Mr. G. Morgan : Is the Honourable Member in a position to say whether the Scindhia Steam Navigation Company is also a member of the Conference ?

The Honourable Sir George Rainy : I believe that is so, Sir.

GIFTS, WAKFS, ETC., GRANTED BY THE LAST NAWAB NAZIM OF BENGAL, BIHAR AND ORISSA.

†471. **Mr. Bhuput Sing :** Will Government be pleased to state :

- (a) whether they were ever aware of the existence of *Hiba-namas*, gifts, *Jaigeers* and *wakfs*, granted by His Highness Nawab Fray Doon Jah, the last Nawab Nazim of Bengal, Bihar and Orissa at the time when the Commission was appointed by the Government of India under Nawab Nazim's Debts Act, 1873 ;
- (b) whether the above Commission mentioned anything in their Report regarding the aforesaid *Hiba-namas*, gifts, *Jaigeers* and *wakfs* ;
- (c) whether it was the Agent to the Governor-General or the authorised Agent and representative of His Highness the Nawab Nazim (his eldest son) who was the sole source of information supplied to the Commissioners ;
- (d) whether any of the *Hiba-namas*, gifts, *Jaigeers* and *wakfs* was declared null and void by Government or by the Nawab Nazim at any time between the departure of the Nawab Nazim for England in 1869 and the passing of the Murshidabad Act in 1891 ; and
- (e) if the answer to part (d) above, is in affirmative, which of the *Hiba-namas*, gifts, *Jaigeers* and *wakfs* are still held and by whom ?

Mr. E. B. Howell : With the Honourable Member's permission, I will answer questions Nos. 471 and 472 together. The necessary information is being collected and will be communicated to the Honourable Member in due course.

GIFTS, WAKFS, ETC., GRANTED BY THE LAST NAWAB NAZIM OF BENGAL, BIHAR AND ORISSA.

†472. ***Mr. Bhuput Sing :** Will Government be pleased to give a list of the *Jaigeers*, *Hiba-namas*, gifts and *wakfs* granted by His Highness the Nawab Fray Doon Jah, the last Nawab Nazim of Bengal, Bihar and Orissa, which were recognised by the Government between 1873 and 1891 or afterwards ?

COMMUNAL REPRESENTATION IN CENTRAL GOVERNMENT SERVICES.

473. ***Mr. Muhammad Azhar Ali :** Will Government be pleased to lay on the table a statement showing the representation separately of

†For answer to this question, see answer to question No. 471.

various communities in the services of the Central Government throughout the whole of India ?

The Honourable Sir James Crerar : A statement showing the communal composition of the all-India Services and the Central Services Class I, is under preparation and will be placed in the Library in due course. Statements showing the communal composition of the clerical staff of the Government of India Secretariat and its attached and subordinate offices are available in the Library. The communal composition of the Postal and Telegraph Services and of the staff under the control of the Railway Board is published in the Annual Report of the Posts and Telegraphs Department and the Annual Report by the Railway Board on Indian Railways.

LACK OF A SHED AND OTHER FACILITIES FOR PASSENGERS AT JHANSI RAILWAY STATION.

474. ***Mr. Muhammad Azhar Ali :** Are Government aware that there is no shed of any kind at the Jhansi Railway Station (Great Indian Peninsula Railway) where transshipment takes place between the trains from Lucknow to Bombay and Bombay to Lucknow, to protect from rain or sun the passengers who wait at the platform for the arrival of trains ? Why are there no benches or any kind of seating arrangement ? Do Government propose to do anything for the comfort of the passengers ?

Mr. A. A. L. Parsons : Government have no details of the amenities provided on the platform at Jhansi, but I am sending the Agent, Great Indian Peninsula Railway, a copy of the Honourable Member's question and of this answer for such action as he may find it feasible to take.

Dr. Ziauddin Ahmed : May I know if the Honourable Member ever passed through Jhansi station to be able to know anything about it ?

Mr. A. A. L. Parsons : I have never stopped at Jhansi station although I have passed through it.

Mr. Gaya Prasad Singh : Not in the rain and sun.

Dr. Ziauddin Ahmed : This shows that when the Honourable Member is travelling on the line he does so with his eyes shut.

REMOVAL OF THE SURVEY OF INDIA OFFICE FROM MUSSOORIE.

475. ***Kunwar Hajee Ismail Ali Khan :** (a) Will Government kindly inform the Assembly whether there is any scheme to shift the offices of the Survey of India from Mussoorie to somewhere else ?

(b) Is it the intention of Government to dispose of the Castle Hill Estate at Mussoorie ? If so, what price has been fixed for that estate ?

(c) If the answer to part (a) is in the affirmative, will Government kindly state where the offices are going to be shifted to ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). The reply is in the negative.

(c) Does not arise.

INFECTIOUS DISEASES IN THE MULLINGAR ESTATE AT MUSSOORIE.

476. ***Kunwar Hajee Ismail Ali Khan :** (a) Will Government kindly inform the Assembly if it is a fact that the Landaur Cantonment

Authority does not exercise its power conferred by sections 164 and 165 of the Cantonment Act with regard to infectious diseases in Mullingar Estate which lies in the cantonment area, and is used as a lodging house ?

(b) Is it not a fact that during the season 1931 some persons suffering from pthisis came and lived in the Mullingar Lodging House disregarding the notification of disinfection ?

(c) Is it not a fact that lack of preventive measures against such diseases in Mullingar Estates lying in a congested area between Landaur Cantonment and Mussoorie City Board are likely to infect both the places ?

Mr. G. M. Young : With your permission, Sir, I propose to answer questions Nos. 476 and 477 together. I have called for the information and will communicate with the Honourable Member when it is received.

TUBERCULOSIS CASES AT " IVAN HO " IN MUSSOORIE.

†477. ***Kunwar Hajee Ismail Ali Khan :** (a) Is it a fact that some of the residents of " Ivan Ho ", Mussoorie, asked the Landaur Cantonment Authority to take action with regard to several T. B. cases in the Ivan Ho Estate without any avail ?

(b) If the answer to the above is in the affirmative, will Government kindly state the reasons ?

EMPLOYMENT OF FRONTIER MUSLIMS IN ACCOUNT AND AUDIT OFFICES AT PESHAWAR.

478. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state :

(a) the total number of clerks working in the Account and Audit Offices at Peshawar and how many of them belong to each of the following communities, viz., Muslims, and non-Muslims ;

(b) how many of each of the above communities are Frontier men and how many aliens ;

(c) whether it is a fact that Muslim youths have recently been served with notices of discharge and whether it is with a view to make room for non-Muslims ;

(d) if answer to part (c) above is in the affirmative, whether there was a majority of Mussalmans in the Department concerned ;

(e) if the answer to part (d) above is in the negative, why are the non-Muslims, who are in the majority, not being discharged instead of the Mussalmans ;

(f) whether it is a fact that a telegram to this effect was sent out from Peshawar to the Chief Commissioner, North-West Frontier Province, requesting him to save Frontier Pathan youths from being sacrificed for Hindu clerks ; and

(g) whether Government propose to put a stop to this kind of discrimination and raise in future the number of Muslim

†For answer to this question, see answer to question No. 476.

employees to the proportion of the bulk population of their community in that province ?

The Honourable Sir George Schuster : (a) The total number is 80, of whom 36 are Muslims and 44 non-Muslims.

(b) 20 out of 36 Muslims and 7 out of 44 non-Muslims belong to the North-West Frontier Province.

(c) Notice of possible discharge has been served on the entire temporary staff including Muslims and non-Muslims.

(d) to (g). The selection of the actual personnel to be discharged is receiving the attention of Government.

DISCHARGE ON ACCOUNT OF RETRENCHMENT OF MR. ABDUL RASHID FROM THE OFFICE OF THE CHIEF ENGINEER, SURVEYS AND CONSTRUCTION, LAHORE.

479. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state :

(a) whether it is a fact that one Mr. Abdul Rashid who was appointed as Tracer on 3rd March, 1926, in the Office of the Chief Engineer, Surveys and Construction, Lahore, has been discharged on account of retrenchment ;

(b) whether it is a fact that three other Muslim tracers have also been served with like notices ;

(c) if so, whether it was due to a majority of Mussalmans in the Department concerned ;

(d) whether it is a fact that the Chief Engineer, Surveys and Construction, Lahore, while remarking in his letter No. E. G.-8, dated 24th June, 1931, to the Chief Personnel Officer, N. W. Railway, recommended these gentlemen saying that every effort should be made to provide service for these persons in other offices of the open line in lower grades in preference to men with short services ;

(e) if so, how far his recommendations were carried out ; and

(f) what measures do Government propose to take to remove the grievances of Mussalmans as mentioned above ?

Mr. A. A. L. Parsons : I have called for information from the Agent, North Western Railway, and will communicate with the Honourable Member on its receipt.

NOMINATIONS FROM THE PUNJAB FOR THE ROUND TABLE CONFERENCE.

480. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) : (a) What is the total strength of the nominees to the Round Table Conference ? How many of them are Hindus, Muhammadans and Sikhs ?

(b) How many nominees of the Hindus and Sikhs have been taken from the Punjab ?

(c) How many Muhammadans were nominated from the Punjab in the first Round Table Conference ? How many more have been nominated this year ?

(d) How many Sikhs were nominated in the first instance ? How many more have been nominated in the second time ? If none, why not ? Do Government know that the Sikhs have made a great grievance on account of the non-nomination of the national Sikhs in the Round Table Conference ?

(e) How many Hindus from the Punjab were nominated in the first instance ? How many more have been added in the second time ? If none, why not ?

(f) Will Government kindly lay on the table of the House a statement in tabular form of the representations received by Government together with the dates, from various bodies representing Hindus and Sikhs for the increase in the nomination of the Hindus and Sikhs from the Punjab ?

(g) What is the proportion of Hindus, Muhammadans and Sikhs, from the Punjab in the Round Table Conference ?

The Honourable Sir George Rainy : (a), (b), (c), (d), (e), (f) and (g). I place on the table a statement showing the names of the members from British India nominated by the Prime Minister to attend the resumed meetings of the Indian Round Table Conference in London and their places of residence in India. Those against whose names an asterisk has been placed were not members of the last Conference.

As I have explained on several occasions the selection of delegates for the Round Table Conference is not primarily the concern of the Governor General in Council. In the circumstances no useful purpose would be served by the preparation of a statement of the nature referred to in part (f) of the question.

List of Members nominated by the Prime Minister to attend the resumed meetings of the Indian Round Table Conference.

Names.	Places of Residence in India.
1. H. H. The Aga Khan, G.C.S.I., G.C.I.E., G.C.V.O.	.. Bombay.
2. Nawab Sir Sahibzada Abdul Qaiyum Khan, K.C.I.E.	.. Peshawar.
3. Sir C. P. Ramaswami Aiyar, K.C.I.E. .. ..	.. Madras.
4. *Sir Saiyid Ali Imam, K.C.S.I. .. ..	.. Patna.
5. Dr. B. R. Ambedkar .. ..	.. Bombay.
6. U Ba Pe .. ..	.. Rangoon.
7. Srijut Chandradhar Barooah .. ..	.. Jorhat (Assam).
8. Mr. J. N. Basu .. ..	.. Calcutta.
9. *Mr. E. C. Benthall .. ..	.. Calcutta.
10. Sir Shah Nawaz Khan Bhutto, C.I.E., C.B.E. ..	.. Larkana (Sind).
11. Rai Bahadur Kunwar Bisheshwar Dayal Seth ..	.. Biswan (Sitapur, U.P.)
12. Sir Huber Carr .. ..	.. Calcutta.
13. Mr. G. Y. Chintamani .. ..	.. Allahabad.
14. *Sir Manackji Dadabhoy, K.C.I.E. .. ..	.. Nagpur.
15. Maharajadhiraja of Darbhanga .. ..	.. Darbhanga (B. & O.).
16. *Maulana Shafi Daoodi .. ..	.. Patna.
17. *Dr. S. K. Datta .. ..	.. Calcutta.
18. Sir Oscar deGlanville, C.I.E., O.B.E. .. ..	.. Rangoon.
19. Mr. Fazl-ul-Huq .. ..	.. Calcutta.

Names.	Places of Residence in India.
20. *Mr. M. K. Gandhi	Ahmedabad.
21. Mr. M. M. Ohn Ghine	Rangoon.
22. Mr. A. H. Ghuznavi	Calcutta.
23. Sir Ghulam Hussain Hidayatullah	Bombay.
24. Lieut.-Colonel Sir Henry Gidney	Calcutta.
25. *Sir Padamji Ginwala	Bombay.
26. *Mr. V. V. Giri	Madras.
27. Khan Bahadur Hafiz Hidayat Husain	Cawnpore.
28. *Sir Muhammad Iqbal	Lahore.
29. *Mr. A. Rangauwami Iyengar	Madras.
30. Mr. B. V. Jadhav	Bombay.
31. Mr. M. R. Jayakar	Bombay.
32. Sir Cowasji Jehangir (Junior), K.C.I.E., O.B.E.	Bombay.
33. Mr. M. A. Jinnah	Bombay.
34. Mr. T. F. Gavin Jones	Cawnpore.
35. Mr. N. M. Joshi	Bombay.
36. *Pandit Madan Mohan Malaviya	Allahabad.
37. *The Hon'ble Nawab Sahibzada Sir Syed Muhammad Mehr Shah.	Jhelum District.
38. The Hon'ble Sir P. C. Mitter, C.I.E.	Calcutta.
39. Mr. H. P. Mody	Bombay.
40. Dr. B. S. Moonje	Nagpur.
41. Diwan Bahadur A. Ramaswami Mudaliar	Madras.
42. The Hon'ble Captain Nawab Sir Muhammad Ahmad Said Khan, Nawab of Chhitari, K.C.I.E., M.B.E.	Lucknow.
43. Sir Muhammad Shafi, K.C.S.I., C.I.E.	Lahore.
44. *Mrs. Sarojini Naidu	Bombay.
45. Diwan Bahadur Raja Narendra Nath	Lahore.
46. Dr. Narendra Nath Law	Calcutta.
47. *The Hon'ble Sayed Muhammad Padshah	Madras.
48. Rao Bahadur A. T. Pannirselvam	Tanjore.
49. Raja of Parlakimedi	Parlakimedi (Madras Presidency).
50. Rao Bahadur Sir A. P. Patro	Madras.
51. Diwan Bahadur M. Ramachandra Rao	Ellore (Madras Presidency).
52. Sardar Sampuran Singh	Lyalpore (Punjab).
53. Sir Tej Bahadur Sapru, K.C.S.I.	Allahabad.
54. The Right Hon'ble Srinivasa Sastri, C.H.	Madras.
55. Sir Chimanlal Setalvad, K.C.I.E.	Bombay.
56. Sir Pheroze Sethna, O.B.E.	Bombay.
57. Dr. Shafaat Ahmad Khan	Allahabad.
58. Begum Shah Nawaz	Lahore.
59. *Maulana Shaukat Ali	Bombay.
60. Captain Raja Sher Muhammad Khan of Domeli	Jhelum District.
61. Mr. B. Shiva Rao	Madras.
62. M. R. Ry. Rao Bahadur R. Srinivasan Ayl.	Poonamalle Cantt. (Madras Presidency).

Names.	Places. of Residence in India.
63. Mrs. Subbarayan	Madras.
64. Sir Sayed Sultan Ahmad	Patna.
65. Mr. Shripad Balwant Tambe	Nagpur.
66. U Aung Thin, K.S.M.	Mandalay.
67. *Sir Purshotamdas Thakurdas, C.I.E., M.B.E.	Bombay.
68. Sardar Sahib Sardar Ujjal Singh	Mianchannu (Punjab).
69. Sir Edgar Wood	Madras.
70. Mr. Zafrullah Khan	Lahore.

Those against whose names an asterisk has been placed were not members of the Conference last year.

APPOINTMENT OF SIKH GAZETTED OFFICERS TO THE NORTH WESTERN RAILWAY.

481. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) : Will Government be pleased to state :

- (a) what are the names and qualifications of the candidates who have been recommended for appointments in the lower gazetted service by the North Western Railway ;
- (b) what are the necessary qualifications prescribed for appointments in the lower gazetted service ;
- (c) how many Sikh subordinates in the North Western Railway possess the same and higher qualifications ; and
- (d) why the rights of the Sikhs at the time of making recommendations for appointments in the lower gazetted service have been ignored by the North-Western Railway administration ?

Mr. A. A. L. Parsons : (a) and (b). The Honourable Member's attention is invited to Part I of the Gazette of India, dated the 29th August, 1931, notifying the promotions made to the lower gazetted service. Men are selected for promotion to that service on their records in railway employment.

(c) and (d). The men who were promoted were considered better qualified than those not promoted. I may point out that no one has any right to such promotion.

APPOINTMENT OF SIKHS TO ACCOUNTS SERVICES ON THE NORTH WESTERN RAILWAY.

482. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) : (a) Will the Government of India place on the table a statement showing the number of Sikhs, giving names, in the following services of the North Western Railway and the total number of appointments held by all communities on the 30th June, 1929, 30th June, 1930, and 30th June, 1931,

along with their present grades :—(1) Auditors, (2) Accounts Officers, (3) Assistant Accounts Officers promoted from Accountants, and (4) Qualified Accountants and I. C. G.'s for promotion to Assistant Accounts Officers ?

(b) If the number of the Sikhs is very small will the Government of India kindly state the reason why no attempt has been made to recruit qualified Sikhs in these services ?

(c) Have the Government of India received any representation from the Sikh Rights Protection Society, Lahore ? If so, what reply was given to their representation ?

Mr. A. A. L. Parsons : (a) and (b). For reasons which I have before explained in this House, Government regret they are not prepared to give figures showing the composition by communities of the staff of individual railway offices.

(c) A representation was received in June last from the Sikh Rights Protection Society, on the subject of the representation of Sikhs in the lower gazetted services on Railways. The reply given was that appointments to the lower gazetted service are, as a rule, made by promotion of selected subordinates, and that the policy of Government is to make promotions on the basis of merit, having due regard to seniority, irrespective of communal considerations.

FAILURE TO APPOINT A SIKH TO THE SANDHURST COMMITTEE.

483. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) : (a) Will the Government of India state the proportion of the Sikhs in the British Army in 1930 ?

(b) Is it not a fact that the Sikhs at the time of the Great War contributed 1 out of 4 able-bodied men and the contribution of the Sikhs was highest ?

(c) Will the Government of India, explain the reason why no Sikh public man was nominated on the Military College Committee known as the Sandhurst Committee ?

(d) Did Government receive any representation from the Sikh public bodies in this connection ?

(e) If so, what action do Government propose to take to remove this grievance of the Sikhs ?

Mr. G. M. Young : (a) About 15 per cent.

(b) The number of Sikhs recruited during the War was about 89,000, or 12 per cent. of the total number of recruits of all classes.

(c) The Indian Military College Committee was composed of experts. Out of the ten non-official members, two were Sikhs.

(d) Yes, and from other communities also.

(e) Government do not admit that there is a grievance.

EMPLOYMENT OF SIKHS IN THE OFFICE OF THE ACCOUNTANT GENERAL, PUNJAB.

484. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) :
(a) Will Government be pleased to state if the number of Sikh employees in the office of the Accountant General, Punjab, as given below is correct :

	<i>No. of appointments.</i>	<i>No. of Sikhs.</i>
1. Assistant Accounts Officers ..	7	1
2. Superintendents	40	2
3. Permanent Divisional Accountants ..	75	7
4. Temporary and Officiating Accountants	65	8
5. Permanent Clerks	339	20
6. Temporary and Officiating Clerks ..	85	14

(b) Is it a fact that the attention of Government was drawn by the Sikh Rights Protection Society, Lahore, to the inadequate representation of the Sikhs in this Department ? What action did Government take to remove the grievance of the Sikhs ?

(c) Is it not a fact that a Sikh clerk has been discharged in spite of the fact that the representation of the Sikhs is already very small ?

(d) What steps do Government propose to take to grant adequate representation to the Sikhs in this office ?

The Honourable Sir George Schuster : Enquiry is being made and a reply will be sent to the Honourable Member as soon as possible.

APPOINTMENT OF SIKHS TO THE INDIAN CIVIL SERVICE IN THE PUNJAB.

485. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) :
(a) Are the Government of India aware of the fact that in the entire Indian Civil Service in the Punjab there is one Keshadhari Sikh and one Sahjdhari Sikh ?

(b) Will Government kindly explain what steps they have taken to remove this communal inequality in this service ?

The Honourable Sir James Orerar : (a) There are five Sikhs in the Indian Civil Service in the Punjab, of whom three are Keshdharis.

(b) Since 1925, five Sikh candidates have been appointed to the Service. Of these, two secured appointment by open competition in London, and three were nominated in India to vacancies reserved for the redress of communal inequalities.

REPRESENTATION OF SIKHS AND HINDUS ON THE PESHAWAR MUNICIPAL COMMITTEE.

486. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) :
(a) Are the Government of India aware of a strong feeling amongst the Hindus and the Sikhs against the distribution of seats in the Peshawar Municipality ? Was any representation submitted by them on the 9th April, 1931 ?

(b) Did the Government of India receive a copy of the letter addressed to the Revenue Commissioner, North-West Frontier Province, from the Sikh Rights Protection Society, Lahore, protesting against applying the ingenious "Punjab Formula" where the communities to a certain extent are equally balanced, as the said formula will not give protection to a small minority like the Sikhs? (The letter was published in the *Tribune*, dated the 13th June, 1931). Will the Government of India state their reasons for adhering to the said formula?

(c) After reviewing the whole question the Government of India are requested to state if it is proposed to introduce joint electorates with reservation of seats for minorities, as is done in the Lahore Municipality as stated in the above referred letter of the Sikh Rights Protection Society, Lahore? If not, why not?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Representations have been received from members of the Hindu and Sikh communities expressing dissatisfaction at the proposed distribution of elected seats in the Peshawar Municipality. A representation was submitted by the Hindu and Sikh Members of the Peshawar Municipality to the Revenue Commissioner, North-West Frontier Province, on the 9th April, 1931.

(b) The Honourable Member is presumably referring to a letter, dated the 2nd June, 1931. A copy of it was received by the Government of India. The formula referred to by the Honourable Member takes into account not only the population, but also the voting strength of the various communities.

(c) This part of the question is not understood. The system of joint electorates with reservation of seats does not prevail in the Municipal Committee of Lahore. Separate electorates for Hindus and Sikhs have been provided in the Frontier Province at the request of the leaders of these communities, as the choice of the mode of representation was left to the minority communities.

APPOINTMENT OF SIKHS TO THE TELEGRAPH ENGINEERING DEPARTMENT, LAHORE DIVISION.

487. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) : (a) Will Government be pleased to state if the number of Sikh employees in the Telegraph Engineering Department of Lahore Division as given below is correct?

	<i>No. of appointments.</i>	<i>No. of Sikhs.</i>
1. Engineering Supervisors, Telegraphs	13	<i>Nil.</i>
2. Engineering Supervisors, Telephones	7	<i>Nil.</i>
3. Telephone Mistries	13	<i>Nil.</i>
4. Telegraphs Mistries	6	<i>Nil.</i>
5. Electric Mistries	4	<i>Nil.</i>
6. Line Inspectors	3	<i>Nil.</i>
7. Clerks Divisional Office, Time Scale	21	2
8. Telephone Inspectors	10	2
9. Telephone Operators	71	5
10. Battery men	8	<i>Nil.</i>
11. Peon	9	<i>Nil.</i>
12. Wiremen coolies	3	<i>Nil.</i>
13. Sub-Inspectors	42	3
14. Linemen	311	10

(b) Is it a fact that the attention of Government was drawn by the Sikhs' Rights Protection Society, Lahore, to the inadequate representation of the Sikhs in this Department? What action did Government take to remove this grievance of the Sikhs?

(c) What steps, if any, do Government propose to take to grant adequate representation to the Sikhs in this Division?

Mr. J. A. Shillidy : (a) Enquiries are being made and the result will be intimated to the Honourable Member separately.

(b) Yes. The subject is under examination.

(c) The recruitment of Sikhs is governed by the rule relating to the recruitment of minority communities.

Dr. Ziauddin Ahmad : What is the percentage of Sikh population in India? Is it not less than 1 per cent.?

Mr. J. A. Shillidy : I am afraid I can only refer the Honourable Member to the last Census Report.

ABOLITION OF LEAVE RESERVE OFFICERS IN THE METEOROLOGICAL DEPARTMENT.

488. ***Mr. C. S. Ranga Iyer :** Will Government be pleased to state :

(a) how many Leave Reserve Officers there are for the Meteorological Department ;

(b) whether they are intended to cover the leave taken by officers in sub-offices of the Department ;

(c) on how many occasions since the introduction of the leave reserve, officers in sub-offices went on leave ;

(d) on how many of these occasions were the Leave Reserve Officers sent to sub-offices to relieve the officers on leave ;

(e) whether Government contemplate abolishing the Leave Reserve Officers ; and

(f) if the answer to part (e) is in the negative, for what reasons?

Mr. J. A. Shillidy : (a) There are two posts which were created as "leave and training reserve".

(b) These two posts are intended to train suitable men in order to fill up vacancies in the Department as they arise, as well as to provide a leave reserve.

(c) and (d). Information will be obtained.

(e) The question of abolishing these two posts will receive consideration of the Government when the future of the Department, in view of the retrenchment proposals, comes under examination.

(f) Does not arise.

ABOLITION OR REDUCTION OF THE INSTRUMENT SECTION OF THE METEOROLOGICAL OFFICE, POONA.

489. ***Mr. C. S. Ranga Iyer :** (a) Will Government please state :

(a) whether there is an Instrument Section attached to the Meteorological Office at Poona ;

- (b) how many officers and clerks are in charge of this section ;
- (c) what are the duties of the said officers and clerks ;
- (d) what is the cost of running this section alone ;
- (e) whether they intend to abolish it ; if not, why not ; and
- (f) whether they intend reducing the expenditure on it ; if so, to what extent and when ?

Mr. J. A. Shillidy : (a) Yes.

(b) and (d). The information is being collected and will be communicated to the Honourable Member in due course.

(c) The section is responsible for the general supervision of instruments in use in the Meteorological Department, for specifications of new instruments and for routine observational work at headquarters.

(e) No ; Government do not consider that it will be economical to abolish this section. During the year 1929-30 a saving of Rs. 15,850 was effected by this section by repairing two types of old unserviceable meteorological instruments alone.

(f) Government have no such proposal before them at present ; the other part of the question does not arise.

ABOLITION OF LEAVE RESERVE OFFICERS IN THE METEOROLOGICAL DEPARTMENT.

490. ***Mr. C. S. Ranga Iyer :** Will Government state whether it is a fact that the heads of all sub-offices of the Meteorological Department have demanded the abolition of the Leave Reserve Officers ? If so, why then the delay to abolish them ?

Mr. J. A. Shillidy : Government have no information. The latter part of the question does not arise.

COMMUNITIES REPRESENTED IN THE STAFF OF THE INCOME-TAX DEPARTMENT IN BIHAR AND ORISSA.

491. ***Maulvi Badi-uz-Zaman :** Will Government be pleased to state :

- (a) the number of gazetted and non-gazetted officers, including the clerical and menial staff, employed in the Income-tax Department in the Province of Bihar and Orissa ;
- (b) the representation of the various communities in the different gazetted and non-gazetted posts in the Income-tax Department in Bihar and Orissa ;
- (c) the percentage of the representation of the various communities in the different gazetted and non-gazetted posts in the Income-tax Service in Bihar and Orissa ;

The Honourable Sir George Schuster : (a) and (b). A statement is laid on the table, containing the information required by the Honourable Member except in regard to menials. Information regarding menials has been called for and will be communicated to the Honourable Member when received.

(c) The Honourable Member will be able to work out the percentages himself from the figures supplied in the statement.

Statement showing the communal composition of the Income-tax Department of Bihar and Orissa as it stood on 31st December, 1930.

	Total No.	Hindus.	Muslims.	Others.
1. Gazetted—				
(a) Assistant Commissioners ..	2	..	..	2
(b) Income-tax Officers	18	15	1	2
(c) Assistant Income-tax Officers ..	3	2	1	..
2. Non-Gazetted—				
(a) Inspector-Accountants (non-clerical).	11	9	2	..
(b) Clerical	92	69	18	5

Lala Jagan Nath Aggarwal : Will the Honourable Member consider the desirability of supplying figures relating to the amount of income-tax paid by the various communities in this province ?

The Honourable Sir George Schuster : I think the point raised by my Honourable friend will be dealt with in answer to part (d) of the following question.

COMMUNITIES REPRESENTED IN THE STAFF OF THE INCOME-TAX DEPARTMENT IN BIHAR AND ORISSA.

492. ***Maulvi Badi-uz-Zaman :** (a) Will Government be pleased to state if the recruitment to the Income-tax Service is made on an all-India basis or on Provincial basis ?

(b) Will Government state whether the different major and minor communities in Bihar and Orissa are adequately represented in the Income-tax Service ?

(c) If the reply to part (b) is in the negative, what immediate steps do they propose to take in order to adjust the communal difference ?

(d) Will Government be also pleased to state the number of Muslim Income-tax assesses in Bihar and Orissa ?

The Honourable Sir George Schuster : (a) Appointments of all officers below the rank of Commissioner of Income-tax are made on a provincial basis.

(b) The Government of India consider that there may be room for adjustment in the communal composition of the service as it now stands.

(c) No measures for adjusting inequalities can be taken except to secure that future recruitment is conducted on the lines prescribed by

the Government. In the present financial circumstances, immediate recruitment of new staff on a large scale is not possible.

(d) No record is kept of the communities to which assesseees belong.

CORRESPONDENCE RELATING TO BREACHES OF THE PACT WITH THE CONGRESS.

493. ***Mr. C. S. Ranga Iyer :** (a) Has the attention of Government been drawn to a telegram, dated Allahabad, August 18, published in the *Madras Mail* of August 19th, under the title "Government and Mr. Gandhi" containing a statement of the United Provinces Congress leader, Pundit Jawaharlal Nehru, in which the following passage occurs : "The correspondence published by the Government is not complete specially regarding the United Provinces" ?

(b) Do Government propose to publish the entire correspondence between the United Provinces Congress and the Government of India relating to the Gandhi-Irwin Pact and the alleged breaches thereof ? If not, why not ?

(c) Has the attention of Government been drawn to the following further statement of Pundit Jawaharlal Nehru in the telegram referred to above : "The contention was that there have been numerous breaches of the terms of the Pact on the part of the Government of the United Provinces" ?

(d) Will Government be pleased to state what were the breaches as contended by the Congress Party in the United Provinces ?

The Honourable Sir James Crerar : (a) and (c). I have seen Press reports of the statements to which the Honourable Member refers.

(b) and (d). I invite the Honourable Member's attention to the statement published in a Gazette of India Extraordinary on the 24th August, 1931.

UNEMPLOYMENT IN INDIA.

494. ***Bhai Parma Nand :** Will Government be pleased to state :

(a) if it is a fact that the number of the unemployed is increasing in India ;

(b) whether they are aware that unemployment has assumed serious proportions among the literate class ; and

(c) if so, what steps they propose to take to remedy the evil ?

Mr. J. A. Shillidy : I would invite the Honourable Member's attention to the answer given by me to question No. 70 asked by the Honourable Rai Bahadur Ram Saran Das in the Council of State on the 9th July, 1930.

RETRENCHMENTS IN THE ARMY DEPARTMENT.

495. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state the scales of pay of the Personal Assistant to the Army Secretary and the scales of pay of the Personal Assistants of other Secretaries to the Government of India ?

(b) Will Government be pleased to state the total length of service of the Personal Assistant to the Army Secretary ?

(c) Will the Honourable Member kindly state the names, the length of services, educational qualifications and the designations of those men of the Army Department who have been served with notices as a result of the retrenchment in the Army Department ?

(d) Is it a fact that Rai Bahadur A. P. Dube has got longer service than some of the retrenched men and, if so, why has he not been retrenched and why has he not been served with a notice ?

Mr. G. M. Young : (a) The pay of the Personal Assistant is Rs. 500—40—700 a month if he is below the Superintendent's grade at the time of appointment, and Rs. 600—40—800 a month if he is a Superintendent. There is no corresponding post in other Departments.

(b) 27 years and 4 months.

(c) A statement is laid on the table.

(d) No, Sir, not among those of his grade. The rest of this question does not arise.

Total length of service of the persons retrenched from the Army Department Secretariat.

Name.	Designation.	Educational qualifications.	Total length of service.
			Yr. Ms.
Mr. A. P. Bates ..	Officer-in-Charge, Medal Distribution.	Passed Matriculation Examination.	31 5
Rai Sahib H. D. Ghosh.	Superintendent ..	Ditto ..	27 5
Mr. S. Banerjee ..	Do. ..	Passed F. A. Examination ..	28 10
Mr. W. G. MacLeod	Do. ..	No University qualification ..	32 8
Mr. R. A. Pereira ..	Assistant ..	High School Pass Examination (Bengal).	25 6
Mr. G. I. Cunliffe ..	Do. ..	Passed Matriculation Examination.	29 5
Mr. N. C. Banerjee ..	Clerk ..	No University qualification ..	25 11
Mr. D. N. Bose ..	Do. ..	Ditto ..	15 2
Mr. M. N. Banerjee	Do. ..	Ditto ..	24 7

INDIANISATION OF SUPERIOR SERVICES IN THE ENGINEERING DEPARTMENT OF THE CALCUTTA PORT TRUST.

496. ***Mr. S. C. Mitra :** (a) Is it a fact that a Resolution was moved in the Council of State for Indianising the superior services in the Engineering Department of the Calcutta Port Trust in 1922 ?

(b) Is it a fact that the said Resolution was accepted by Government ?

The Honourable Sir George Rainy : (a) and (b). A Resolution recommending that steps be taken to increase the number of Indians in the higher grades in the service of the Port Trusts in India was adopted in the Council of State in 1922 and was accepted by the Government of India.

INDIANISATION OF SUPERIOR SERVICES IN THE ENGINEERING DEPARTMENT OF THE CALCUTTA PORT TRUST.

497. ***Mr. S. C. Mitra :** (a) Are Government aware that 5 posts of Assistant Engineers on the maintenance side and four for King George's Dock construction were created by the Port Trust in 1922 for bringing about the Indianisation of the superior posts of the Engineering Department of the Calcutta Port Trust ?

(b) If the answer to part (a) be in the negative, do Government propose to enquire into the matter and state the facts of the case ?

The Honourable Sir George Rainy : With your permission, Sir, I will reply to questions Nos. 497 to 501 together.

The Government of India have no information but have made enquiries in the matter and will communicate the result to the Honourable Member.

REDUCTION OF INDIAN ENGINEERS BY THE CALCUTTA PORT TRUST.

498. ***Mr. S. C. Mitra :** (a) Are Government aware that in 1926 it was decided to transfer the Engineers from King George's Dock on its completion to the maintenance section of the Calcutta Port Trust ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state how many Indian and European Engineers were so transferred to the maintenance section ?

(c) Is it a fact that all the Indian Engineers so transferred were eliminated from time to time and all the Europeans so transferred were eventually confirmed in the maintenance section ? If so, will Government be pleased to state the reasons of this elimination of the Indian Engineers and confirmation of European Engineers ?

(d) Are Government aware that this reduction of Indian Engineers was done by the Chief Engineer, Calcutta Port Trust, against the decisions of the Commissioners for the Calcutta Port Trust ? If not, do Government propose to inquire into the matter and take steps against the person responsible for the reduction of Indian Engineers ? If not, why not ?

RACIAL DISCRIMINATION IN PAY IN THE ENGINEERING DEPARTMENT OF THE CALCUTTA PORT TRUST.

†499. ***Mr. S. C. Mitra :** (a) Is it a fact that there are different designations with different rates of pay for the Indians and Europeans employed in the Engineering Department of the Calcutta Port Trust ? If so, will Government be pleased to state the reasons why this racial discrimination is

†For answer to this question, see answer to question No. 497.

being maintained in the said Department ? Do Government propose to do away with this racial discrimination ? If not, why not ?

(b) Do Government propose to have one cadre of service for the different grades of appointments in the Engineering Department of the Calcutta Port Trust, so that the Indians and Europeans may have equal chances of appointment ? If not, why not ?

INDIANISATION OF SUPERIOR SERVICES IN THE ENGINEERING DEPARTMENT OF THE CALCUTTA PORT TRUST.

†500. *Mr. S. C. Mitra : (a) Are Government aware that the number of Europeans employed in the Superior Engineering Establishment of the Calcutta Port Trust has been raised from 8 in 1913 to 14 in 1931 ?

(b) If so, will Government be pleased to state the reasons for the gradual increase in the number of Europeans ?

(c) Do Government propose to instruct the Calcutta Port Trust to take immediate steps to reduce the number of Europeans and increase the number of Indians in the Superior Engineering Establishment of the said Trust ? If not, why not ?

ABOLITION OF THE POST OF DEPUTY CHIEF ENGINEER, CALCUTTA PORT TRUST.

†501. *Mr. S. C. Mitra : (a) Is it a fact that a post of Chief Mechanical Engineer has been created by the Calcutta Port Trust and is it a fact that the King George's Dock construction has also been completed ?

(b) If so, will Government be pleased to state whether the work of the Chief Engineer has been lightened thereby ? If so, do Government propose to do away with the post of the Deputy Chief Engineer, Calcutta Port Trust, and transfer his work to the Chief Engineer ? If not, why not ?

ALLEGED FAVOURITISM IN THE ARMY DEPARTMENT SECRETARIAT.

502. *Mr. S. C. Mitra : (a) Is it a fact that the Army List Section was under the Army Headquarters up to 1920 and in 1924 the section was brought under the Army Department Secretariat ?

(b) Is it a fact that there was no post of an Assistant Army List Compiler in the Army Department up to April, 1926 ?

(c) Is it a fact that the post was created in May, 1926, and that one Mr. Avasthi, who became the son-in-law of Rai Bahadur A. P. Dube of the Army Department in that year was appointed to that post ?

(d) Is it a fact that the Personal Assistant to the Army Secretary has been put in charge of the Establishment of the Army Department Secretariat ? Are Government aware that there is a great discontent in the office against his nepotism and favouritism ? Do Government propose to remove the establishment from his hands ? If not, why not ?

(e) Is it a fact that the post of Mr. Avasthi was exempted from the scope of the Public Service Commission ? If so, why ? Are Government aware that the post was created as a technical one, and that this allowed

†For answer to this question, see answer to question No. 497.

of the appointment of an outsider like Mr. Avasthi ? If not, do Government propose to make a sifting inquiry into the matter and place the result on the table of this House ?

(f) Is it a fact that the creation of the post was kept confidential till the appointment of Mr. Avasthi was announced and that no advertisement was published in the papers for that technical post ?

(g) Is it a fact that Mr. Avasthi had no previous experience either as a Compiler or even as an office assistant in the Government of India before he was appointed to that post ?

(h) If the answers to parts (e), (f), (g) are in the affirmative, will Government be pleased to state the reasons why Mr. Avasthi was given a preference over the claims of other graduates who were working in the second and third divisions in the Army Department at the time ?

Mr. G. M. Young : (a) Yes.

(b) and (c). The answer is in the affirmative, except that the post was created in May 1928, and not in April 1926.

(d) The Personal Assistant deals with matters affecting the clerical establishment of the Army Department, under the control of the officer in charge. The second part of this question is entirely without foundation. Government do not propose to make any change in the existing office arrangements.

(e), (f), (g) and (h). The circumstances in which this appointment was created were explained very fully to this House in answer to question No. 909, dated the 24th September 1928, and to unstarred question No. 464, dated the 21st September 1928.

It is not a fact that the post was created as a technical one, nor that its creation was kept confidential. A large number of applicants were considered for the post, and several were interviewed by the Establishment Officer before the final selection was made.

CASUALTIES AMONG HINDUS AND MUHAMMADANS IN THE RECENT DISORDERS IN DERA ISMAIL KHAN.

503. ***Bhai Parma Nand :** (a) What is the number of casualties of Hindus and Muhammadans, separately, in the recent disorder in Dera Ismail Khan ?

(b) What is the approximate estimate of the loss which the Hindus and the Muhammadans suffered, separately, by arson and loot ?

(c) What is the number of Hindus and Muhammadans in the list of officers and rank and file of police in Dera Ismail Khan ?

• (d) Are Government aware of the allegations of Hindus against the police for not helping in putting down the fire ?

(e) How did this disorder and lawlessness originate ?

Mr. E. B. Howell : Enquiry has been made from the Local Administration and the information will be supplied to the Honourable Member as soon as a reply is received.

FEARED DUMPING OF AMERICAN COTTON INTO INDIA.

504. Bhai Parma Nand : (a) Are Government aware that the Department of Agriculture of the United States of America has published a report to the effect that the present cotton crop in the United States would yield $15\frac{1}{2}$ million bales of cotton, to which adding 9 million bales of carry over, there will be $24\frac{1}{2}$ million bales of cotton, which would be sufficient to supply the cotton world for two years ?

(b) Will Government be pleased to say what was the value of cotton imported into India during the last two years, that is, in 1929-30, and 1930-31 ? Was the value of cotton imported Rs. 6,32,50,443 in 1930-31 against Rs. 3,41,12,298 in the previous year ?

(c) Will Government be pleased to state how and to what extent the increased import of cotton into India has affected the area under cotton crop in the present cotton season ?

(d) Do Government entertain any fear of cotton from America being dumped into India, and further lowering the price of cotton produced in India, which has already fallen abnormally ?

(e) Do Government fear that the abnormal fall in the price of cotton would materially affect the capacity of agriculturists, in cotton-growing districts throughout India, to pay Government revenue ?

(f) What steps do Government propose to take for the protection of their own interests, as well as those of the cotton growers in India ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes.

(b) The Honourable Member's figures are approximately correct. To be exact, the value of cotton imported into India during 1929-30 and 1930-31 was Rs. 3,42,14,922 and Rs. 6,38,93,631, respectively.

(c) It is believed that the increased import of American cotton into India has not affected the area under cotton in India. Though the first cotton forecast published last month showed a fall of 6 per cent. in the area under cotton, it is expected that the final figures will show that the area under cotton this year is not less than it was last year.

(d) No.

(e) The fall obviously makes it more difficult for agriculturists in cotton growing districts to pay their land revenue.

(f) Government have not yet succeeded in deciding upon special steps which can with advantage be taken.

THE REBELLION IN BURMA.

505. *Rao Bahadur M. C. Rajah : Will Government be pleased to state with regard to the present rebellion in Burma :

(a) the causes therefor ;

(b) the exact or approximate number of lives lost and injured, in each of the communities, Indian, Burmese, Chinese and European, and the extent of the loss of property sustained respectively by each of these communities ; and

(c) whether the Government of Burma have considered the question of adequately compensating the sufferers for their losses and, if so, with what result ?

The Honourable Sir James Orlor : (a) I would invite the Honourable Member's attention to the report of the Government of Burma, dated the 8th May, 1931, a copy of which has been placed in the Library.

(b) Casualties among Government servants are as follows :

Europeans	..	..	..	..	6
Indians	..	..	..	..	79
Burmans	..	..	..	..	83
Others	..	..	..	..	6

The number of other casualties, that is among the rebels and others, is estimated at something over 2,000, but no exact figure is available at present. I regret that it is not possible to give any estimate of the loss of property.

(c) The cases of Government servants will be dealt with, where necessary, under service rules. For the rest, I would refer the Honourable Member to the reply I have already given to part (c) of Mr. Ranga Iyer's question No. 314 on the 15th September.

GRANT OF LEE PASSAGE CONCESSIONS TO NON-ASIATIC NON-SUPERIOR OFFICERS IN RAILWAY SERVICE.

506. ***Mr. K. P. Thampan :** Will Government be pleased to state :

- (a) whether it is a fact that orders have been passed to grant the Lee Passage Concessions to all non-Asiatic non-superior officers in the Railway Service ; if so, with effect from what date ;
- (b) whether there was any representation or request from such employees for the grant of this concession and whether the various Agents were consulted in the matter ;
- (c) whether Government will be pleased to lay the correspondence on the table ;
- (d) what will be the probable total expenditure involved during the ensuing year ; and
- (e) if the approval of the Standing Railway Finance Committee was obtained before final orders were passed ?

Mr. A. A. L. Parsons : (a) Orders have been passed sanctioning the passage concessions on the scale and conditions prescribed in the Superior Civil Services Rules, but substituting 2nd Class B for 1st Class B passages to non-Asiatic non-superior employees in the Railway Department recruited outside India and under certain conditions to such employees recruited in India. These orders came into force with effect from the 1st April 1930.

(b) Yes.

(c) Government do not propose to lay the correspondence on the table.

(d) A reliable estimate can be made only after certain questions connected with the rules, which the Government of India have under consideration, are decided.

(e) No.

Mr. K. P. Thampan : May I know whether the Railway Retrenchment Committee was asked if the Lee concession passages in regard to railway servants could be abolished or not ?

Mr. A. A. L. Parsons : I am not quite sure to what extent I am entitled to say what is going on inside the Retrenchment Sub-Committee at present and which may come out in their report : but I may say that this matter is being considered.

Mr. K. P. Thampan : Will Government be pleased to make a special reference to this Committee to consider whether these concessions should not be cut out in view of the large deficit with which the Railways are going to be faced next year ?

Mr. A. A. L. Parsons : As I have explained, the Railway Retrenchment Committee has taken up this particular subject.

Dr. Ziauddin Ahmad : Is it within the jurisdiction of the Railway Retrenchment Committee to make a recommendation on this point ?

Mr. A. A. L. Parsons : I imagine that they consider so or they would not have discussed it in the Railway Board.

Mr. K. P. Thampan : Supposing it is not within the ambit of the terms of reference of that Committee, will Government take it upon themselves and consider the advisability of abolishing these concessions ?

Mr. A. A. L. Parsons : As far as I know, the point has been considered to be within the ambit of the terms of reference.

Mr. Gaya Prasad Singh : Do Government propose to withdraw the Lee concessions as a measure of retrenchment during these times of financial stringency.

Mr. A. A. L. Parsons : That, Sir, is a question of which I am afraid notice will have to be given, and then it will not fall to my lot to answer it.

Mr. Gaya Prasad Singh : May I take it that this question did not enter into their consideration before this—the question of withholding the Lee concessions ?

Mr. A. A. L. Parsons : As I have explained, that is a question of which notice should certainly be given and if notice were given it would not fall to me to answer it : it is a general question affecting all Departments of Government.

Mr. Gaya Prasad Singh : I was referring to the Railway Services with which the Honourable gentleman is concerned.

The Honourable Sir George Rainy : I think it is obvious that a matter of this kind could not be considered by one Department in isolation. If it is considered at all, it must be considered with reference to all Departments.

Mr. C. S. Ranga Iyer : Has any correspondence passed between the Government of India and the Secretary of State with regard to the abolition of the Lee concessions in view of the present existing circumstances, economic and otherwise ?

The Honourable Sir George Rainy : The Honourable Member ought clearly, I think, to give notice of that question.

Mr. C. S. Ranga Iyer : Will the Government be pleased to state if the Government of India propose to recommend to the Secretary of State to abolish the Lee concessions during the present crisis ?

The Honourable Sir George Rainy : Equally, the Honourable Member should give notice of that question.

Mr. C. S. Ranga Iyer : Will the Government be pleased to consider recommendation of this matter to the Secretary of State in view of the economic and financial crisis in this country ?

The Honourable Sir George Rainy : I think, Sir, I must again say that the Honourable Member should give notice of that question.

Mr. C. S. Ranga Iyer : I would at least strongly urge on the Leader of the House that the House should be given an opportunity to express its views on this matter : since at question time the Government want to shirk their responsibility of informing this House and through this House the country, I think it is very deplorable.

The Honourable Sir George Rainy : On a point of order, Sir : is the Honourable Member asking a question ?

Mr. C. S. Ranga Iyer : May I know whether the Government propose to inform the country through this House as to what steps they propose to take in regard to the Lee concessions and when they propose to take it ?

Mr. President : I wish once again to point out to the Honourable House that there is no rule or Standing Order which compels Government to give answers to questions. Honourable Members on the Treasury Benches are entitled to say that they want notice of a question put as a supplementary question. I have stated previously that Honourable Members on the Opposition Benches have their remedy under the rules and Standing Orders.

Mr. C. S. Ranga Iyer : As I find, Sir, that the Honourable gentleman's answer is very unsatisfactory. I propose to table an Adjournment Motion to-morrow.

Mr. K. Ahmed : Do the recommendations of the Lee Commission come within the ambit of enquiry by the Retrenchment Committee ? If so, may I know whether the subject comes under the General Purposes Committee or any other Retrenchment Committee.....

Mr. President : Are you asking a supplementary question ?

Mr. K. Ahmed : Yes, Sir : I want to know if the subject matter of the Lee concessions comes under the ambit of the General Purposes Committee on Retrenchment or it comes under any other Retrenchment Committee ?

Mr. Jagan Nath Aggarwal : I am afraid, Sir, we have not been able to follow the supplementary question.

Mr. President : Nor have I.

The Honourable Sir George Rainy : In reply to the last remark of my Honourable friend Mr. Ranga Iyer, it is quite open to him to ask for the information by means of a short notice question. I am not endeavouring to put him off, but it cannot be answered now.

THE DELHI TEXT BOOK COMMITTEE.

507. *Bhai Parma Nand : (a) Is it a fact that the staff of the Text Book Committee, Delhi, consists of Muhammadans only ?

(b) Will Government kindly lay on the table a statement of the expenditure on the Delhi Text Book Committee for the three years ending March, 1931 ?

(c) Will Government kindly state what purpose the Committee has served ?

(d) Do Government propose to consider the advisability of abolishing the Committee altogether ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Honourable Member is quite right in asserting that the whole-time staff of the Delhi Text Book Committee consists of Muhammadans only, but would he mind my supplementing that assertion by adding that it consists of two men only and they are menials.

(b) A statement is laid on the table.

(c) The Text Book Committee (a) advises the Superintendent of Education on the suitability of books for schools in the province, (b) maintains a reference and lending library of school text books for the use of teachers.

An account of its work is found in the Annual Reports on the Administration of the Delhi Province, copies of which are obtainable in the Library.

(d) Not in view of what is said above.

Statement of the expenditure on the Delhi Text Book Committee for the three years ending March, 1931.

Years.	Allowance for part-time service.	Salaries of whole-time staff.	Contingencies.	Total.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1928-29	580 0 0	188 13 0	50 12 6	819 9 6
1929-30	589 8 9	170 5 0	461 7 0	1,221 4 9
1930-31	665 0 0	277 6 2	104 5 2	1,046 11 4

APPOINTMENT OF HINDUS IN THE OFFICE OF THE SUPERINTENDENT OF EDUCATION, DELHI.

508. *Bhai Parma Nand : (a) Is it a fact that the present staff of the Superintendent of Education, Delhi, consists only of Muhammadans ? Is it a fact that the Hindu clerks have been gradually replaced by Muhammadans ?

(b) Are Government prepared to recognize the claims of Hindus for the above Department ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The answer to both parts of the question is in the negative. The staff consists of four Muslims and three Hindus.

(b) Certainly.

TRANSFER OF THE DISTRICT INSPECTOR OF SCHOOLS, DELHI.

509. ***Bhai Parma Nand :** (a) Is it a fact that the Government of India, in consultation with the Punjab Government, agreed to borrow the services of P. E. S. officers for the Delhi civil administration for the two posts, viz., District Inspector of Schools and the Head Master of the Government High School, Delhi, for not more than three years at a time ?

(b) For how many years has the present District Inspector of Schools, Sh. Ghulam Mohey-Uddin, been serving in Delhi ?

(c) Will Government state for how long he will be allowed to hold the present post ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) In accordance with the arrangements approved in June 1930, the services of these officers are borrowed from the Punjab for periods ordinarily not exceeding three years.

(b) About three and half years.

(c) Till he is transferred.

HINDU AND MUHAMMADAN TEACHERS APPOINTED AND DISMISSED ON THE RECOMMENDATION OF THE DISTRICT INSPECTOR OF SCHOOLS, DELHI.

510. ***Bhai Parma Nand :** Will Government kindly state the number of Hindu and Muhammadan teachers in Municipal and District Boards and Government institutions under their control who have been appointed and dismissed on the recommendation of the present District Inspector of Schools, Delhi, Sh. Ghulam Mohey-Uddin ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Recommendations of officers of Government in matters of personnel are confidential and it is not in the public interest to disclose them. Information sought as to the number of teachers appointed and dismissed since October 1927 distributed communally is however available. Three teachers have been dismissed, of whom two were Hindus and one Muslim. 106 teachers were appointed, of whom 69 were Hindus, 36 Muslims and 1 Christian.

RECOGNITION OF MUHAMMADAN EDUCATIONAL INSTITUTIONS AND APPOINTMENT OF MUHAMMADAN TEACHERS IN DELHI.

511. ***Bhai Parma Nand :** (a) Will Government kindly state the number of Muhammadan institutions recognised by the Education Department, Delhi, before the appointment of the present District Inspector of Schools and after his appointment ?

(b) Will Government kindly state whether a regular policy has been followed to increase the number of Muhammadan teachers in the Government High School, Delhi ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) 13 before and 10 after.

(b) Government have considered it desirable that all teachers should not come from one community only and that a reasonable proportion of the appointments at the School should be held by Muslims, of course subject to the requirements of efficiency being satisfied.

QUARTERS OF THE BOARDING HOUSE AT THE GOVERNMENT HIGH SCHOOL, DELHI.

512. ***Bhai Parma Nand :** Will Government kindly state whether there is any proposal for closing the boarding house attached to the Government High School, Delhi, and getting the quarters vacated by the Superintendent of the boarding house with the object of providing quarters for the Head Clerk of the Education office and inspecting staff, etc. ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The question of closing the Boarding House of the Government High School, Delhi, not with the object of providing quarters for the clerical and inspecting staff of the Education Department as the Honourable Member seems to suggest, was taken up on grounds of economy. It appears that during the last three or four years the average number of boarders belonging to the Government High School was less than fifteen, while the expenditure of its maintenance was over Rs. 1,000 a year.

GRADATION LIST OF DIVISIONAL ACCOUNTANTS IN THE BOMBAY PRESIDENCY.

513. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state whether a gradation list of Divisional Accountants is maintained in the Bombay Presidency ?

(b) If the reply to part (a) be in the affirmative, is the list for the Divisional Accountants in the regular P. W. D. and Lloyd Barrage one and the same ?

(c) If so, is the seniority and juniority of such Accountants adhered to according to their number in the list at the time of retrenchment or Barrage amalgamation ; if not, what special reasons are there to depart from the ordinary course ?

(d) Is it a fact that the senior Accountants in the P. W. D. have been reverted and the juniors in the Lloyd Barrage made to continue ?

(e) If the answer to part (d) be in the affirmative, why has this policy been adopted ?

The Honourable Sir George Schuster : With your permission, Sir, I will deal with questions Nos. 513 to 517 together.

Enquiry is being made and a reply will be sent to the Honourable Member in due course.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether notice was not in time to reply to these questions ?

The Honourable Sir George Schuster : I think the Honourable Member may conclude from my reply that the notice was not sufficient to obtain satisfactory information in regard to this mass of detailed questions.

Mr. Lalchand Navalrai : Does the Honourable Member, therefore, propose that in future in his case there ought to be a longer notice?

(No answer was given.)

NON-APPOINTMENT OF P. W. D. ACCOUNTANTS ON THE LLOYD BARRAGE SCHEME IN BOMBAY.

†514. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state whether on the Lloyd Barrage, persons who have not passed the Divisional Test are working as Accountants and Additional Accountants?

(b) Is it a fact that qualified men from the P. W. D. with good experience and fine records have been made to revert as clerks?

(c) If the reply to parts (a) and (b) be in the affirmative, what are the reasons for differential treatment?

NON-APPOINTMENT OF P. W. D. ACCOUNTANTS ON THE LLOYD BARRAGE SCHEME IN BOMBAY.

†515. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if there are any special qualifications required for the post of Divisional Accountants on the Lloyd Barrage which the Accountants in the P. W. D. do not possess?

(b) Have any Accountants from the P. W. D. been taken up on the Barrage?

(c) If the answer to part (b) be in the affirmative, have they proved efficient?

NON-APPOINTMENT OF P. W. D. ACCOUNTANTS ON THE LLOYD BARRAGE SCHEME IN BOMBAY.

†516. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

(a) whether the Audit Officer, Lloyd Barrage, has refused to take up as auditors clerks of the P. W. D. who have passed the Divisional Test;

(b) whether persons from outside with no accounts qualifications have been taken up as auditors;

(c) what the special reasons are which have prompted the Audit Officer to reject people from the P. W. D.?

NON-APPOINTMENT OF P. W. D. ACCOUNTANTS ON THE LLOYD BARRAGE SCHEME IN BOMBAY.

†517. ***Mr. Lalchand Navalrai :** (a) Is it a fact that the reverted Accountants and Divisional Test passed clerks of the regular P. W. D. on the Lloyd Barrage represented their grievances to the Auditor General, Delhi?

(b) Is it a fact that the Auditor General did not interfere; if so, why?

(c) Do Government propose to inquire into the whole question and lay down a just policy in connection therewith?

†For answer to this question, see answer to question No. 513.

PAYMENTS FROM CANTONMENT FUNDS OF COMPENSATION FOR BUILDINGS ON SITES RESUMED BY GOVERNMENT.

518. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that some Cantonment Authorities have made payments from the Cantonment Fund, of compensation for buildings standing on sites to be resumed under Government orders ?

(b) Is it a fact that the purposes for which the Cantonment Fund can be used are specifically detailed in the Cantonments Act ?

(c) Is the payment of compensation for the buildings standing on sites to be resumed among the purposes for which the Cantonment Fund can be used under the Cantonments Act ?

(d) If so, will Government specify the particular section sanctioning such an expenditure ? If not, do Government propose to prevent Cantonment Authorities from spending the Cantonment Fund on such a purpose and arrange the refund of the amount spent so far ?

Mr. G. M. Young : (a) and (b). Yes.

(c) Yes, as the buildings were in a ruinous condition.

(d) Section 117 (k). The expenditure was a source of profit to the Cantonment Authority, as they are now free to develop the sites on a commercial basis, and, under rule, will receive $\frac{1}{3}$ ths of the income.

RESUMPTION OF CERTAIN BUNGALOWS IN NOWSHERA CANTONMENT.

519. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that the Military Estates Officer, Peshawar Circle, has issued notices to the owners of bungalows Nos. 64, 65, 66 and 67, Nowshera Cantonment, for their resumption on payment of nominal compensation ranging from Rs. 1,200 to Rs. 1,700 ?

(b) Have the notices been issued under Government orders ? If so, will Government be pleased to state the circumstances under which the resumption has been decided upon ?

(c) Is it a fact that in the notices under reference, it is definitely stated that the Military Estates Officer shall enter the bungalows on 31st August, 1931, and take possession thereof by force ?

(d) Will Government refer to the section of the Cantonments Act under which it is empowered to take possession of bungalows sought to be resumed by force ?

(e) Is it a fact that the owners have challenged the right of Government to resume the bungalows and their sites ? Do these bungalows stand on land held as free grant ? Have Government established their right to resume in a Court of Law ?

(f) Are Government aware that the proposal to resume the bungalows and to take possession thereof by force on a certain specified date, has created great unrest among the house-owners of Cantonments ?

(g) Have the Government received representation from the All-India Cantonments Association on the subject ? If so, do Government propose to keep the resumption proceedings in abeyance, till the matter is discussed with Government by the Association and Government have an opportunity to hear the other side ?

Mr. G. M. Young : Government have received a representation from the All-India Cantonments Association on the subject, and are awaiting a report from the local military authorities. I will supply the Honourable Member with a full reply to his question as soon as I am in a position to do so.

RESIDENTS EXPELLED FROM CANTONMENTS.

520. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Will Government be pleased to state how many residents of Cantonments expelled from their respective Cantonments under the Old Cantonments Act, are still under the ban of expulsion ?

(b) Will Government state their names, the offence under which the original expulsion orders were passed and the reasons for continuing those orders ?

(c) Is it a fact that Th. Amar Singh Laxmansingh and L. Bhagwan Dass Aggarwal of Mhow Cantonment expelled from there in 1921, are still out of that Cantonment ?

(d) Is it a fact that the All-India Cantonments Association has made representations on their behalf and have even secured and submitted to Government, undertakings from those persons not to do anything on their return to Mhow, coming within the purview of section 239 of the Cantonments Act ?

(e) Do Government propose to cancel those orders of expulsions in case of these persons ; if so, when ?

Mr. G. M. Young : (a) Two.

(b) and (c). Their names are as stated in part (c) of the question. The order of exclusion was passed in consequence of their conviction and imprisonment on charges of attempting to seduce soldiers from their allegiance. Their activities ever since their exclusion are reported to have been such as render their re-admission to the Mhow Cantonment undesirable. The orders of exclusion were passed in 1922 and 1923, respectively.

(d) The Association have represented the matter to Government ; but no undertakings have been furnished by the persons mentioned.

(e) No, Sir.

STORES PURCHASED BY INDIAN RAILWAYS.

521. *Lala Hari Raj Swarup : (a) Will Government be pleased to state the total value of stores purchased by the Indian Railways during the years 1928-29, 1929-30 and 1930-31 ?

(b) What were the chief agencies through which these stores were purchased in each year and their value ?

(c) What was the value of such stores purchased through the Indian Stores Department ?

(d) Why were not all the requirements of the Railways obtained through the Indian Stores Department ?

Mr. A. A. L. Parsons : (a) and (c). The information is given in Vol. II of the Railway Board's Annual Reports on Indian Railways, copies

of which are in the Library. The Report for 1930-31 will be published shortly.

(b) Railway Administrations in India, the Indian Stores Department, the India Store Department, London, and the Boards of Directors of Indian Railway Companies in London. Information regarding the value of the respective purchases made through each of these agencies is not available.

(d) Purchases are made through the Indian Stores Department when on examination it is found to be advantageous to the railways to do so. But there are many articles used by railways, wagons and coal, for example, and multifarious small items the purchase of which through that Department would be of no advantage.

STORES PURCHASED BY THE ARMY DEPARTMENT.

522. ***Lala Hari Raj Swarup** : (a) Will Government be pleased to state the total value of the stores purchased by the Army Department ?

(b) Will Government be pleased to state the system by which the Army Department secures the supply of stores needed by the Department ?

(c) What is the value of such stores purchased through the Indian Stores Department ?

(d) Why were not all the requirements of the Army Department obtained through the Indian Stores Department ?

Mr. G. M. Young : (a) and (c). The information is being collected and will be supplied to the Honourable Member.

(b) and (d). In accordance with the Industries and Labour Department Resolution No. S.-217, dated the 12th December, 1929, and published in the Gazette of India, dated the 14th December, 1929, lethal stores and technical apparatus and equipment are purchased either through the India Store Department, London, or, if they are available in India, by the military purchasing organization in India. Foodstuffs also are purchased by that organization, as the Indian Stores Department do not deal in foodstuffs. Other purchases are made through the military purchasing organization, when it appears cheaper and more advantageous to do so.

PURCHASE OF STORES THROUGH THE INDIAN STORES DEPARTMENT.

523. ***Lala Hari Raj Swarup** : (a) Is it not a fact that when the Indian Stores Department was established, Government declared that all purchases for Government requirements should take place in this country by tenders called for in rupees for delivery in India ?

(b) How far has this policy been adhered to ?

(c) Why has this policy not been given effect to completely ?

(d) When do Government think their policy will be completely adhered to ?

Mr. J. A. Shillidy : (a) The Indian Stores Department was established in the year 1922, while the rupee tender policy was adopted in December 1929, and brought fully into operation from 1st January, 1931 ; the answer to this part of the question is, therefore, in the negative.

(b) to (d). The attention of the Honourable Member is invited to the Government of India's Resolutions No. S-217, dated the 13th September, 1928, and 12th December, 1929, respectively, copies of which are available in the Library of the House.

COMPENSATION TO SARDAR GANGA SINGH AND MEMORIAL FOR HIS CHILDREN.

524. ***Rai Sahib Harbilas Sarda** : (a) Is it a fact that the Honourable the Chief Commissioner, North-West Frontier Province, had announced that Sardar Ganga Singh whose two children were killed and wife seriously wounded by the British Lance Corporal last day of May, 1930, at Peshawar was to be compensated and, if so, was he offered anything in cash or kind ? If so, how much ? Did Sardar Ganga Singh accept or refuse the offer and the reason of his doing so ?

(b) Did the Honourable the Chief Commissioner sanction an amount of Rs. 15,000 to build a children's ward in memory of the children of Sardar Ganga Singh ? If the answer is in the affirmative, will Government please state when the ward will be built ? Did the public ask something more than this as suggested in the daily *Milap*, dated the 30th August, 1930 ? Have Government considered the suggestion ?

(c) Has the attention of Government been drawn to the public demand, *vide the Tribune*, dated the 14th January, 1931, and the *Hindu Herald*, dated the 15th January, 1931 ? Do Government propose to do anything in the matter ?

Mr. E. B. Howell : The Honourable Member is referred to the answer given to question No. 304 asked in this Assembly by Mr. S. C. Mitra.

RIOTS AT DERA ISMAIL KHAN AND KULACHI VILLAGE.

525. ***Mr. C. S. Ranga Iyer** : Will Government be pleased to state the facts and details of the riots at Dera Ismail Khan and Kulachi Village ?

Mr. E. B. Howell : A communique issued by the Local Administration regarding the recent riot at Dera Ismail Khan is laid on the table. As regards Kulachi the facts are that on the night of 15th August an attempt was made to set fire to Kulachi and in the confusion to loot Hindu shops. The police opened fire killing one man. The people of the town co-operated with the police and the attempt failed. One shop and one serai were burnt.

Telegram No. 1054-L., dated the 13th (and received 14th) August, 1931.

From—Norwet, Nathiagali,

To—Foreign, Simla.

(Addressed to Associated Press, repeated to Home and Foreign.)

Communiqué at 9-30 A.M. on the 11th August, a minor quarrel occurred between Hindu and Mohammedan in Dera Ismail Khan City in which the former is said to have made some disparaging remarks about the latter's religion. This developed within a few minutes into a violent communal riot which was accompanied by much incendiarism. Two Hindus and two Mohammadans were killed in the rioting and a number not yet ascertained were injured, of whom seventeen were admitted to hospital. By 1 P.M. the rioting had been quelled with the aid of additional civil forces. There was no firing and lathi charges sufficed to disperse the crowd. In view of the acute communal tension prevailing and the number of fires still burning and the opportunities for looting afforded by the burning shops more police reinforcements were brought in supported by regular troops and frontier constabulary. Very great difficulty was experienced in checking and extinguishing the fires. The curfew order was enforced

in the evening and the night passed without incident the troops and constabulary being held in readiness round the city. There was a further threat early the following morning of more rioting, but this was frustrated by timely action. According latest reports available over 200 shops, houses and serais have been burnt and another 40 houses are said to have been looted before the situation was brought under control, the total value of property damaged is not yet known, but it is feared must be considerable.

RIOTS IN THE NORTH-WEST FRONTIER PROVINCE.

526. ***Mr. C. S. Ranga Iyer** : Will Government please state :

- (a) how many riots and casualties have occurred in the North-West Frontier Province between Hindus and Muslims this year and last year ;
- (b) how many riots between Hindus and Muslims have been averted by Police intervention ; and
- (c) what are the remedies Government propose to apply ?

Mr. E. B. Howell : Sir, with your permission, I propose to answer questions Nos. 526 and 527 together.

Enquiries have been made and I will inform the Honourable Member in due course of the result.

Mr. B. Das : In view of the importance of the subject, will the Honourable Member be pleased to lay that reply on the table ?

Mr. E. B. Howell : Yes, Sir.

RIOTS IN THE NORTH-WEST FRONTIER PROVINCE.

†527. ***Mr. C. S. Ranga Iyer** : Will Government please state :

- (a) the extent of the loss of lives and damage done to Hindu properties in the North West Frontier Province by the Muslim riots ;
- (b) the proportion of the minority community to the population where the riots occurred ;
- (c) the manner in which Government propose to help the Hindus who have suffered at the hands of the rioters ;
- (d) what help has so far been rendered by Government to the sufferers during the riots ; and
- (e) what punishment has been meted out to the authors and instigators of the riots ?

TRADE BETWEEN INDIA AND JAPAN AND INDIA AND BRITAIN.

528. ***Mr. C. S. Ranga Iyer** : Will Government please state what was :

- (a) the percentage of trade between India and Japan in 1930-31 ; and
- (b) the percentage of trade between India and Britain for 1930-31 ?

The Honourable Sir George Rainy : (a) and (b). The share of Japan in the trade of India in merchandise in 1930-31 was 9.8 per cent., while that of the United Kingdom was 29.6 per cent.

†For answer to this question, see answer to question No. 526.

DECLINE IN THE FOREIGN TRADE OF THE BOMBAY PRESIDENCY.

529. *Mr. C. S. Ranga Iyer : Will Government please state :

- (a) whether their attention has been drawn to the latest official report of the foreign trade of the Bombay Presidency and whether it is not a fact that there is a total drop of Rs. 54 crores or 22 per cent. as compared with the previous year in Bombay's trade for March 1930-31 ;
- (b) whether any correspondence has passed between the Government of Bombay and the Government of India on the trade situation and, if so, whether Government will publish it ;
- (c) what remedies, if any, are (i) contemplated by the Government of India, and (ii) suggested by the Bombay Government ; and
- (d) whether the distribution in the decline of the trade percentage shows that the United Kingdom has yielded place to Japan ?

The Honourable Sir George Rainy : (a) Yes.

(b) No such correspondence has taken place.

(c) The main cause of the decline in the trade of the Bombay Presidency is unfortunately beyond the control of Government.

(d) The Government of India are unable to add to the information contained in the official Report to which the Honourable Member has referred, and of which a copy is in the Library.

CORRESPONDENCE WITH HIS MAJESTY'S GOVERNMENT REGARDING BRITISH TRADE IN INDIA.

530. *Mr. C. S. Ranga Iyer : Will Government please state if any correspondence has passed between His Majesty's Government and the Government of India regarding British trade in India and, if so, for what purpose and with what result ?

The Honourable Sir George Rainy : Beyond the communication of certain information for Parliamentary purposes in response to requests from the Secretary of State for India, the Government of India have had no correspondence with His Majesty's Government regarding British trade in India.

STOPPAGE OF THE ACTIVITIES OF THE ARCHAEOLOGICAL DEPARTMENT BY WAY OF RETRENCHMENT.

531. *Mr. C. S. Ranga Iyer : (a) Will Government be pleased to state if they propose to encourage at present archaeological exploration in India by spending more money for that purpose ? If so, why ?

(b) Will Government be pleased to state if they intend to stop the activities of the Archaeological Department by way of retrenchment for sometime to come ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) No.

(b) The General Purposes Sub-Committee of the Retrenchment Advisory Committee has been considering the question of curtailing the activities of the Archaeological Department as a measure of retrenchment.

Government are awaiting the suggestions of the Committee before coming to a decision.

RESEARCH PAPERS PUBLISHED BY OFFICERS AND ASSISTANTS OF THE METEOROLOGICAL DEPARTMENT.

532. ***Mr. C. S. Ranga Iyer :** (1) Will Government be pleased to state the names and number of research papers published by the officers and assistants of the Meteorological Department so as to advance (a) Indian Meteorology and (b) Astronomical Research ?

(2) (a) Will Government be pleased to state who are the officers, and what is the number of the researched papers published by them after joining the Department, both astronomical and meteorological ?

(b) What is the pay of the said officers and assistants ?

Mr. J. A. Shillidy : Government do not possess the information and could supply it only after enquiries stretching back over many years.

REDUCTION OF SALARIES OF SUPERIOR OFFICERS.

533. ***Mr. C. S. Ranga Iyer :** Will Government be pleased to state whether they are considering the advisability of reducing by 30 per cent. the excess in the salaries of all officers and officials getting over Rs. 1,000 ?

The Honourable Sir George Schuster : Government have a great number of means for effecting economies under consideration. I should however explain that the specific proposal of the Honourable Member, if I have correctly understood it, has not been considered.

Mr. C. S. Ranga Iyer : Will Government be pleased to state if they propose to send any communication to the Secretary of State on the question of reducing by any percentage the salaries of officers and officials ?

The Honourable Sir George Schuster : In a reply which I gave to a very similar question yesterday, I pointed out to the Honourable Member who asked the question that the Government could not give information as to correspondence between themselves and the Secretary of State, and my Honourable friend accepted that as the ordinary position of the Government in these matters.

Mr. C. S. Ranga Iyer : Will Government be pleased to urge upon the Secretary of State for India the necessity and desirability of reducing the pay of all those for whose salaries and appointments the Secretary of State is under the statute directly responsible ?

The Honourable Sir George Schuster : I shall be pleased to take note of the Honourable Member's suggestion.

REDUCTION OF TRAVELLING ALLOWANCE OF GOVERNMENT SERVANTS AND MEMBERS OF THE CENTRAL LEGISLATURE.

534. ***Mr. C. S. Ranga Iyer :** Will Government be pleased to state whether they are considering the advisability of reducing the travelling allowance of Government servants and Members of the Central Legislature ?

The Honourable Sir George Schuster : The Government of India already have under consideration the question of revising the travelling allowance rules applicable to Government servants for journeys on tour. The question of a reduction in the travelling allowance of Members of the Central Legislature is now under the consideration of the Retrenchment Advisory Committee.

COST OF HAULAGE OF MOTOR CARS OF MEMBERS OF THE CENTRAL LEGISLATURE.

535. ***Mr. C. S. Ranga Iyer :** (a) Will Government be pleased to state how much money was spent on the haulage for the motor cars of the Members of the Central Legislature last year ?

(b) How much money will be saved by the stoppage of the said haulage ?

(c) Do Government propose to discontinue the haulage ? If not, why not ?

The Honourable Sir George Schuster : (a) Rs. 50,039-6-0 in connection with the last Delhi Session.

(b) Approximately Rs. 48,000 per annum, if the corresponding increase in conveyance allowance which is admissible in lieu is not taken into account.

(c) Government are awaiting the recommendations of the Retrenchment Advisory Committee.

TRAVELLING ALLOWANCE AND HAULAGE OF MOTOR CARS OF MEMBERS OF THE CENTRAL LEGISLATURE.

536. ***Mr. C. S. Ranga Iyer :** Will Government be pleased to state what was the total expense by way of travelling allowance and haulage for cars of the Members of the Central Legislature for the last year for :

(a) the Simla Session, and

(b) the Delhi Session ?

The Honourable Sir George Schuster : (a) Rs. 93,638-4-0.

(b) Rs. 2,74,922-15-0.

ALLEGATIONS OF CORRUPTION AGAINST MR. SMITH, DIVISIONAL ELECTRICIAN, NORTH WESTERN RAILWAY, MULTAN.

537. ***Sirdar Harbans Singh Brar :** (a) Are Government aware that very serious allegations of corruption against one Mr. Smith Divisional Electrician, Multan, on the North Western Railway are contained in a booklet entitled "To All God Fearing and Righteous Souls" and in the *Railway Herald*, Karachi, dated the 15th March, 1931 ?

(b) Have Government asked Mr. Smith to clear his conduct in a court of law or what other appropriate action has Government taken in the matter ?

(c) If the answer to part (b) is in the negative, what action do Government propose to take against Mr. Smith ?

Mr. A. A. L. Parsons : (a) No.

(b) No.

(c) None. The Divisional Superintendent is quite competent to deal with such a matter.

REPRESENTATION OF SIKHS IN CERTAIN ACCOUNTS OFFICES AND THE PUBLIC WORKS DEPARTMENT.

538. *Sirdar Harbans Singh Brar : (a) Are Government aware of the very poor representation of the Sikh community in the following offices :

- (i) Office of the Auditor General in India,
- (ii) Office of the Accountant General, Central Revenues,
- (iii) P. W. D., Central Accounts Office,
- (iv) P. W. D., Central Office ?

(b) What action do Government propose to take to redress the grievances of the Sikhs for their fair representation in these offices ?

The Honourable Sir George Schuster : (a) The number of Sikhs employed in the following Offices in 1925 and on the 31st December, 1931, was as follows :

	1925.	December 1930.
Office of the Auditor General	2	
Office of the Accountant General, Central Revenues	2	9
Public Works Department, Central Accounts Office	2	

Information regarding the Public Works Department Central Office is being obtained and will be sent to the Honourable Member.

(b) It appears from the figures which I have just given that the instructions already issued as regards minority representation are proving effective, and that Sikh representation is steadily improving. The Government propose to continue working on these lines.

GOVERNMENT LOAN TO A PRIVATE INDIVIDUAL AT DACCA.

539. *Sirdar Harbans Singh Brar : Will Government state whether they advanced a loan of many lakhs to a private individual of Dacca at 3 per cent. when the Government of India themselves borrow at 6 per cent. or more ? If so, why ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Honourable Member is presumably referring to a loan of Rs. 2½ lakhs sanctioned in 1928. The circumstances must have justified the action taken by Government.

KITCHENS OF THE ASSEMBLY QUARTERS AT LONGWOOD, SIMLA.

540. *Sirdar Harbans Singh Brar : (a) Are Government aware that the kitchens for Longwood Range Assembly quarters are in fact rickshaw sheds and most unsuited as kitchens ?

(b) Is it also a fact that an open drain pipe runs just in front of the kitchens for quarters 23, 24 and 25, which makes these kitchens most insanitary ?

(c) Do Government propose to remedy this nuisance without delay ?

Mr. J. A. Shillidy : (a) No. The buildings referred to were originally constructed for use as kitchens and have never been used as rickshaw sheds. No complaints about their unsuitability as kitchens have been received.

(b) An open drain carrying bath and rain water passes near the quarters in question, but if kept clean it should not be insanitary.

(c) Does not arise.

RENTS CHARGED AT LONGWOOD HOTEL FOR GOVERNMENT OFFICIALS AND MEMBERS OF THE CENTRAL LEGISLATURE.

541. ***Sirdar Harbans Singh Brar :** (a) What are the rents charged per mensem at Longwood Hotel and also the caterer's charges for the following :

(i) Government Officials ;

(ii) Members of the Central Legislature ?

(b) Is it a fact that officers are supplied with free hot water baths and Members of the Legislature are not ?

(c) What are the reasons for this discriminatory treatment by the Central P. W. D. ?

Mr. J. A. Shillidy : The information is being collected and will be furnished to the Honourable Member in due course.

RETRENCHMENTS CARRIED OUT IN GOVERNMENT DEPARTMENTS.

542. ***Lala Hari Raj Swarup :** Will Government be pleased to lay on the table a statement embodying retrenchments of expenditure carried out by them in the various Departments up to this time ?

The Honourable Sir George Schuster : The whole question of retrenchment is under investigation by the Retrenchment Advisory Committee, and I regret I cannot make any statement, until Government have received and considered their report.

Lala Hari Raj Swarup : Is it not a fact that the Government have already carried out certain retrenchments ?

The Honourable Sir George Schuster : It is very difficult to say exactly what is covered by the word "retrenchment". If it refers to special measures as part of a general retrenchment policy, I can inform the Honourable Member that Government have so far taken very few steps which have actually affected individuals serving under the Government. In certain cases notices have been given to certain section of staff, but no actual dismissals as part of a general retrenchment plan have taken place. I therefore thought that it would be misleading if I were to attempt to give any statement at the present stage.

Mr. Gaya Prasad Singh : May I take it that not a single Government employee or officer has been discharged up to the present time pending the report of the Retrenchment Committee ?

The Honourable Sir George Schuster : I understand my Honourable friend to ask whether I stated that not a single officer has, as yet, been affected. Is that the question ?

Mr. Gaya Prasad Singh : Yes.

The Honourable Sir George Schuster : No, I would not go so far as to say that. I have not in my head all the details of the changes which have taken place, but it is correct to say that no steps as part of a general retrenchment plan affecting the personnel have yet been taken. There may be one or two isolated cases where an appointment may have been terminated which could be described as retrenchment in the sense that it effects an economy, but not as part of a general retrenchment plan.

MOTION FOR ADJOURNMENT.

RIOTS AT DERA ISMAIL KHAN AND AT CHITTAGONG.

Mr. President : Order, order. I have received a notice from Bhai Parma Nand that he proposes to ask for leave to make a motion for the adjournment of the business of the House to-day for the purpose of discussing a definite matter of urgent public importance as follows :

“ I hereby give notice of a motion for adjournment of the House with a view to draw the attention of the House to the situation at Dera Ismail Khan and at Chittagong as created on account of the tragic occurrences on 12th and 31st August, respectively.”

Before I can admit this motion, I should like the Honourable Member to tell me how he justifies his motion in terms of the rule which lays down that it must be a definite matter of urgent public importance. My doubts are that the occurrences having taken place on the 12th and 31st August, the matter cannot be regarded as urgent, and secondly the situation, whatever it may be, that may have arisen in two different places in India cannot fulfil the terms that it is a definite matter. I recognise that it is certainly a matter of public importance, but in regard to these two points I have my doubts. I should like to ask the Honourable Member to explain how he brings this motion within the purview of the rule which lays down these distinct conditions.

Bhai Parma Nand (Ambala Division : Non-Muhammadan) : I submit, Sir, that the occurrences at Dera Ismail Khan and Chittagong are a definite matter of urgent public importance. It was on the 12th August in the presence of the police and civil officers in Dera Ismail Khan, that more than 300 shops were burnt. Not that the fire in one shop went to another, but each shop was burnt separately. The point also arises that one class of the population was not stopped from doing this horrible deed. Then again exactly the same thing has been repeated on the 31st August in another corner of India. I thought that I should have sufficient material before I placed both these incidents before this House. It took me some time to communicate with the people in Calcutta and find out the details of the occurrences at Chittagong. It was for this reason that

[Bhai Parma Nand.]

there has been some delay in bringing this motion for adjournment. I think both these incidents at Chittagong and Dera Ismail Khan are definite matters. Allegations have been made in both these places against the police and other officers and the incidents resemble each other very much. I have been of course a little late in bringing up the matter because I was waiting for materials and it was for that reason that I could not bring the subject earlier. I have brought this proposition in order to discuss the causes of these two incidents and the attitude of one class of the population towards the other, to find out which class of the population was at fault and what was the attitude of the police and other officers who were to protect the lives and property of the people in both these places. I therefore submit that my motion should be admitted.

Nawab Sir Sahibzada Abdul Qaiyum (Nominated Non-Official) : May I bring one or two points to the notice of the House in connection with this motion. The first point is that in both these places, Chittagong and Dera Ismail Khan, the facts were quite clear as to how the riots started.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadian Rural) : On a point of order.....

Mr. President : On the point of order I have asked the Honourable the Mover to put his position before the House. I do not know why the Honourable Member got up. If he has got anything to say on the question of the admissibility of this motion, I will be glad to hear him but I cannot allow a discussion.

Nawab Sir Sahibzada Abdul Qaiyum : I only want to point out that it is not a matter of urgent importance. In Dera Ismail Khan a Commission of Inquiry is sitting and it will prejudice the work of the Commission if a motion of this sort is allowed. I understand an inquiry has also started in Chittagong and it will not be justified if we discuss the matters under investigation on the floor of this House.

Mr. President : I do not propose to allow any further discussion on this issue. The Chair is concerned with satisfying itself as to whether an adjournment motion, of which notice may have been given, complies with the rules and Standing Orders. Honourable Members are aware that there are three distinct conditions attaching to the acceptance of an adjournment motion. One is that it must be a definite matter, that it must be an urgent matter and that it must also be a matter of public importance. I have already stated that I regard this question as one of public importance, and it therefore fulfils one of the conditions. As regards its being a definite matter, the Chair regrets that it cannot agree with the Honourable the Mover. What he stated was definite, but what he has embodied in his motion is very vague and indefinite. The Honourable Member speaks of the situation that has arisen in two places where certain incidents occurred. If the Honourable Member regards both these items as separate items creating two different situations, then the motion is defective in terms of the rule because the rule says that it must be one definite matter of urgent public importance. I assume that both these matters took place, and therefore the Honourable Member tries to make them into one subject by speaking of the situation that has arisen in consequence of these two incidents. The question then arises whether the situation about which the House

knows nothing can be regarded as a definite matter. If the Honourable Member had indicated that he took exception to the manner in which the police behaved at Chittagong or at Dera Ismail Khan, it would have made the motion definite ; but, in the words used, I hold that it is not definite.

As regards the point of " urgency ", the Honourable Member seems to have recognized that it would have been regarded as urgent only if the matter had been brought up on the opening day of the session. I have been greatly strengthened in the views I hold by the rulings which have been given by each one of my predecessors. I have got the ruling of Sir Frederick Whyte, I have got the ruling of Mr. Patel and I have got the ruling of Sir Muhammad Yakub, (Hear, hear)—all three on the same lines and in regard to both these points of " definiteness " and " urgency ". One motion which was proposed to be moved ran as follows :

" The appalling condition leading to unparalleled economic upheaval in India due to the unemployment of middle classes domiciled community, and Indians."

To the wording of this motion exception was taken on the ground of indefiniteness, and the Honourable Sir Frederick Whyte stated :

" I am afraid the Honourable Member has mistaken the bearing of the rules. The rule, as I think I have explained, provides an opportunity for Members of this House to draw the attention of Government to a matter of recent occurrence which could not otherwise be discussed under the ordinary procedure of the House. The matter to which the Honourable Member is referring, namely, the appalling condition of the middle classes due to unemployment is a matter which, though urgent in his reading of the word, is not urgent in the sense of the rule, and therefore I am afraid I cannot admit it."

On the matter of urgency, the ruling of Mr. Patel was very definite :

The motion proposed to be moved was the decision of the Bengal Nagpur Railway authorities immediately to retrench two thousand men of the Kharagpur workshops at a time when the neighbouring parts of the country were stricken with the havoc caused by the recent floods, and Mr. Patel's ruling was as follows :

" I am clearly of opinion that the matter is of great public importance. But I am not convinced that the matter is urgent. I should have certainly admitted this notice of motion for adjournment if it had come to me on the 19th August. The decision proposed to be questioned was arrived at on the 15th August. It was published in the newspapers on the 16th or 17th August, as Sir George Rainy has said, and there is absolutely no reason why the Honourable Member should not have given a notice of motion for adjournment on the 18th."

Honourable Members will observe that in this case the notice has been given about ten days after the opening of the session.

Sir Muhammad Yakub also says :

" I regret very much to say that the motion of which the Honourable Member has given notice is framed in such vague and undefined terms that I have no option but to rule it out."

Honourable Members will therefore recognize that this motion does not fulfil two of the three conditions imposed by the rules. I hold that it is not definite, and that it is not urgent. I therefore rule that the motion is out of order.

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy (Leader of the House) : I desire with your permission, Sir, to make a statement concerning the probable course of Government business in the week beginning the 21st. On Monday the business which was on the Agenda paper yesterday and was not

[Sir George Rainy.]

concluded will be taken up. That business will be taken in the following order :

I. Motions to take into consideration and pass the following Bills :

- (1) A Bill to provide for the protection of the heavy chemical industry.
- (2) A Bill to amend the Provisional Collection of Taxes Act.
- (3) A Bill to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Government of foreign States.
- (4) A Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes.

II. The resumption of the discussion on the motion to refer to Select Committee the Indian Income-tax (Second Amendment) Bill.

III. Supplementary demands in connection with the resumption of the Round Table Conference.

Any of this business not concluded on that day will be taken on Wednesday, the 23rd, and thereafter three Resolutions will be moved—the first about the diversion of the Road Fund to ordinary expenditure on current repairs of roads, the second about the action to be taken in connection with the purchase of the Bengal and North Western and Rohilkund and Kumaon Railway systems, and the third about the draft Convention and Recommendations concerning compulsory labour. This will be followed by the resumption of the discussion on Mr. Shillidy's Resolution regarding the draft Convention concerning the regulation of hours of work in commerce and offices and accompanying Recommendations. Honourable Members are aware that the discussion of this Resolution was adjourned during the last Delhi Session. Tuesday is appointed for non-official Resolutions, and I am asking the Governor General to allot Thursday, the 24th, for non-official Bills. It will probably be necessary for me to ask you, Sir, to direct that the House shall sit on Friday to dispose of Government business not concluded before that date.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

Mr. President : I have to inform the Assembly that the following three Members have been elected to serve on the Standing Committee for the Department of Industries and Labour, namely :

1. Mr. G. Morgan,
2. Sirdar Sohan Singh, and
3. Kunwar Hajeer Ismail Ali Khan. (Applause.)

STATEMENT LAID ON THE TABLE.

• PURCHASE OF STORES BY THE HIGH COMMISSIONER FOR INDIA.

Mr. J. A. Shillidy (Secretary, Industries and Labour Department): Sir, I lay on the table an Abstract furnished by the High Commissioner for India of cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half-year ending the 30th June, 1931.

High Commissioner for India,

India Store Department.

Abstract of cases in which tenders for stores demanded by the Central Government, other than the lowest complying with the technical description of the goods demanded, were accepted on the grounds of superior quality, superior trustworthiness of the firm tendering greater facility of inspection, quicker delivery, etc.

HALF YEAR ENDING 30TH JUNE, 1931.



[Mr. J. A. Shillidy.]

HIGH COMMISSION

INDIA STORE

ABSTRACT OF CASES in which tenders for stores demanded by the Central
of the goods demanded, were accepted on the grounds of
facility of inspection,

HALF YEAR ENDING

PART A.—Cases in which lower foreign tenders, including British tenders for
British

Stores ordered.	Contract number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Zinc sheets, No. 106. Weight : 25 cwts. 3 lbs.	L. 3582/5776/15-1-31 .	London Zinc Mills, Ltd.	24 8 0 (British).
Canvas, sail, yards 19,000.	L. 3663/5981/22-1-31 .	David Corsar & Sons . .	963 0 0 (British).
Santonium, lbs. 121.	L. 3841/6074/4-2-31 .	May & Baker, Ltd. . .	2,513 15 6 (British).
Steel Tubes, No. 96. Weight : 22 cwts. 9 lbs.	L. 3915/6173/7-2-31 .	Weldless Steel Tube Co., Ltd.	34 9 1 (British).
Wire lead seals, No. 900,000.	L. 4526/7016/18-3-31 .	Lead Seal Manufacturing Co.	326 5 0 (British).
Brushes, tooth, No. 66,700.	M. 283/3031/7-5-31 .	J. Dupont & Cie . . .	457 13 0 (French).
	M. 284/3031/7-5-31 .	W. R. Tilbury & Son . .	489 14 5 (British).
			947 7 5

ER FOR INDIA.

DEPARTMENT.

Government, other than the lowest complying with the technical description superior quality, superior trustworthiness of the firm tendering, greater quicker delivery, etc.

30TH JUNE, 1931.

foreign made goods, have been set aside wholly or partially in favour of tenders.

Lowest Tender not accepted.	Reason for acceptance.
<p>£ s. d. 22 4 2 (Belgian).</p>	<p>The accepted tender was the better offer, having regard to the cost of inspection abroad.</p>
<p>941 13 4 (Esthonian).</p>	<p>The accepted tender was the more advantageous having regard to the cost of inspection.</p>
<p>2,495 12 6 (German).</p>	<p>The accepted tender was the more advantageous having regard to the cost of inspection.</p>
<p>32 14 0 (German).</p>	<p>The accepted tender was the better offer having regard to the cost of inspection.</p>
<p>325 0 0 (German).</p>	<p>The accepted tender was the better offer having regard to the cost of inspection abroad.</p>
<p>900 9 0 (French).</p>	<p>The order was divided between the two lowest tenderers in order to obtain the delivery required.</p>

[Mr. J. A. Shillidy.]

PART B.—Cases in which the discrimination

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
Drills, twist, No. 2,090.	L. 3886/6186/6-2-31	International Twist Drill Co., Ltd.	<p>£ s. d.</p> <p>268 19 10 (British).</p>
Band sawing machine, No. 1.	L. 4550/6922/20-3-31	Wilson Bros. (Leeds), Ltd.	<p>35 10 0 (British).</p>

s between British firms only.

Lowest tender not accepted.	Reason for acceptance.
<p>£ s. d.</p> <p>254 0 8 (British).</p>	<p>The order was placed with the higher tenderer on account of the superior quality of the goods offered, which represented more than the difference in price.</p>
<p>34 0 0 (British).</p>	<p>Accepted on the grounds of the superior design of the machine offered, which represented more than the difference in price between the two quotations.</p>

[Mr. J. A. Shillidy.]

PART C.—*Cases in which the discrimination*

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
Copper plate, 16 tons.	L. 3815/6209/2-2-31	Hugh Gordon & Co.	<p style="text-align: right;">£ s. d.</p> <p>1,004 0 0 (German).</p>

is between *Foreign firms*.

Lowest tender not accepted.	Reason for acceptance.
<p>£ s. d.</p> <p>996 0 0 (French).</p>	<p>The order was placed with the second lowest tenderer in order to obtain the delivery required.</p>

RESOLUTION *RE* HIGH COURTS.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan) : Sir, before I move my Resolution, allow me to congratulate you and ourselves on your speedy recovery from the illness from which you were suffering. (Hear, hear.) You, Sir, are the custodian of the rights and privileges of this House, which you have jealously guarded and for which we are very grateful to you. You, Sir, have always held the balance even between the mightiest and the weakest : and none regretted your absence, Sir, more than some of us on this side of the House, because you have always afforded us the fullest opportunity to discuss all matters coming up for consideration in this House, and we pray that you may long preside over this House leaving an example to the future generations how to conduct a nation's parliament fearlessly without an eye to personal advantage or gain. (Applause.) Sir, the Resolution that stands in my name runs as follows :

“ This Assembly recommends to the Governor General in Council to convey to His Majesty's Government in England that in the opinion of this House the High Courts in India should be a central subject in the future constitution of India.”

Sir, very few words will be necessary for me to commend this Resolution for the acceptance of this House. Sir, I am backed by the opinion not only of the non-officials but also of the officials of the Government of India on this matter, which opinion is marked by a happy unanimity which I wish for in all other matters. Sir, the High Courts in India have been the bulwarks of the rights and liberties of the people and we have been accustomed to look to this palladium of justice for safeguarding the rights and liberties of the meanest in the land. It will be an evil day for this country, or for the matter of that for any other country, when, as was observed by an ex-Chief Justice on a memorable occasion more than a quarter of a century ago, the executive and the judiciary go hand in hand. I repeat, Sir, that it will be an evil day for India if the judiciary and executive are hand in glove with each other. Sir, in order to have a pure atmosphere for the High Court, not sullied by any provincial or political considerations, it is necessary that it should form a central subject. I shall not tire your patience by delivering a long speech on this subject because I believe that these are the fundamental principles in which every one on this side as well as on the other side believes, and in this connection I shall place before the House certain observations of the Government of India which they made in the memorandum submitted to the Indian Statutory Commission. At page 794, they have recommended the formation of the High Courts as a central subject in the following words with which I fully agree :

“ The primary advantage of centralisation is that its adoption would remove the High Courts from undesirable political influences by bringing all matters relating thereto within the purview of the Central Legislature and removing them from the jurisdiction of the local legislatures. The importance of this aspect of the case may be gauged from a perusal of the cases in which the existing system has exposed the High Courts to criticism and censure in the local Councils where under the existing system the High Court Budget is voted.”

Sir, this is a position which is really intolerable to those who have faith in British justice. Sir, more than half a century ago there sat on the Bench of the Calcutta High Court a great English Judge, Sir Barnes Peacock, who preserved the dignity of the Bench to a marvellous degree and made no distinction between black and white. One member of the race of my Honourable friend, Mr. Arthur Moore, over there, who happened to be the editor of a newspaper in those days in Calcutta, characterised a great

Bengali Judge of the High Court, Dwarka Nath Mitter, as a black Judge. Now, Sir.....

Mr. Arthur Moore (Bengal : European) : Sir, do I understand the Honourable Member to attribute that remark to me ?

Mr. Amar Nath Dutt : Certainly not. What I meant was that one of his race happened to be the editor of that paper. Sir, the executive came to the aid of that white editor and would not arrest him in spite of a warrant from the High Court. What did Sir Barnes Peacock do ? He at once issued an order that all the Courts subordinate to the Calcutta High Court should cease to function. That was an attitude which the Calcutta High Court alone could adopt in those days, because it was not under the provincial Legislature. There was another unhappy incident of the Lieutenant Governor of a province going against an eminent English Judge, Mr. Alfred Aubrey Pennell. If Judges are to fall in this country, may they fall like him covered with glory.

Sir, it is not necessary for me to dilate on this matter of the evils of executive interference and the importance of placing the judiciary above executive interference. I wish further to quote the opinion of the Government of India in this respect :

“ It may be contended that in the majority of these cases the criticism levelled against the High Courts has not only been factious and ill-informed but has also tended to bring the courts into contempt in the estimation of the public. The Central Legislature, whatever its faults would, it may be hoped, be unlikely to afford any support to an attempt to base a censure of a High Court on, *e.g.*, the low proportion of the representatives of a particular community in its ministerial establishment. While the consequences in this respect of the provincialisation of the High Court have been serious enough under the existing régime, it may be urged that the subjection of the budgets of those Courts to a majority vote in a legislature to which the executive was responsible would be attended with intolerable consequences, and the centralization of the High Courts would be an inevitable concomitant of the establishment of anything in the nature of provincial self-government.

But consideration cannot be confined to the relations between the High Court and the legislature. The relations between the High Court and the executive are equally important and there can be no doubt, it may be contended, that those relations are far more likely to be harmonious if the executive with which the High Court has to deal is the central executive with its relatively detached position.”

This was the view of the Government when submitting their memorandum before the Indian Statutory Commission. Now, Sir, I beg to place before this House the fact that their memorandum was not only accepted by the Statutory Commission but was also recommended for acceptance in the future constitution of India. My Resolution makes the same request as the Statutory Commission recommended in these words :

“ We consider that the powers now exercised by the provincial Governments in respect of the High Courts should in future be exercised by the Government of India, and that the same procedure should apply to the proposed High Court for the Central Provinces and Berar when it is created. The faith of the people of India in the integrity of the High Courts has been one of the bulwarks of British rule which even the storm of political agitation has done nothing to shake.”

“ Anything tending to undermine this faith would be fraught with grave danger to the future government of the country. We therefore think it desirable that with the introduction of responsible government in the provinces the higher judiciary should be removed from the sphere of political influence. We believe that the risk of this influence will be minimised by the transference of relations to the Central Government as recommended by us.”

Now, we find here that there is hardly any dissentient voice about the High Courts in India being made a subject of the Central Legislature.

[Mr. Amar Nath Dutt.]

That being so, I think we should all unanimously—and I hope the Government also will—accept this Resolution. I trust these very few words of mine will suffice to make the House accept the Resolution.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Neither the Congress nor the Hindu Sabha will agree.

Mr. Amar Nath Dutt : How do you know that ?

The Honourable Sir James Crerar (Home Member) : Mr. President, I do not propose to detain the House long in speaking upon this Resolution. I think it would however be convenient to the House that the position of Government in this matter should be explained at a very early stage in the debate. I am not quite sure that all Honourable Members in the House fully appreciate precisely how matters stand in regard to the subject matter of my Honourable friend's Resolution, and I shall therefore explain very briefly what, from the constitutional point of view, is the question involved.

Under the Devolution Rules, the administration of justice is a provincial subject, but matters relating to High Courts are also subject to legislation by the Central Legislature. That is the general rule ; but there is an exceptional situation created with regard to the High Court of Calcutta, because in pursuance of certain statutory provisions, certain sections of the Government of India Act, certain sections of the Civil Procedure Code and certain sections of the Criminal Procedure Code, matters such as the making of rules by the High Courts are in the case of the Calcutta High Court subject to the sanction of the Governor General in Council and not, as in the case of the other High Courts, of the Governor in Council. There are also certain provisions in the Letters Patent of the High Court which place the position of the Calcutta High Court on a special basis.

Now, I understand that the object which the Honourable the Mover has in mind is substantially to make the High Courts—presumably he also refers to other courts which exercise the functions of a High Court, such as Chief Courts and Courts of Judicial Commissioners—central subjects. That seems fairly clear proposition, though it is not perhaps quite as clear and quite as simple as it appears. I do not intend to embark on the controversial question as to whether High Courts ought to be retained on their present basis, whether the anomaly which undoubtedly exists should be removed by placing other High Courts in the position now occupied by the Calcutta High Court, or, in the alternative, by placing the High Court of Calcutta in the position now held by the other High Courts. That is an extremely controversial question, on which a very great deal of diversity of opinion has been expressed. Nor shall I examine very closely the suggestion that the existing state of affairs might result in a political pressure being brought to bear upon the High Courts. For my own part, on that particular point, I shall only say that I have no manner of doubt whatever that in the existing circumstances the High Courts throughout India, whether in Calcutta or elsewhere, preserve unassailed and unshaken that complete impartiality and independence that is required of them. But apart from considerations of that kind, there are many complicated administrative and financial questions involved.

The Honourable Member quoted from a memorandum which was submitted by the Government of India to the Royal Commission on the subject of High Courts. I should, however, as a caution point out to the House that the statements of fact contained in the memorandum related to the conditions at that time prevailing ; and the statements of opinion were undoubtedly intended to refer to the *status quo*. If therefore we are to contemplate a state of affairs in which the *status quo* is very fundamentally changed, it will be obvious to the House that many of the tentative opinions expressed on the basis of existing circumstances would require much reconsideration and very possibly modification.

Now, the recommendation made by the Royal Commission was to the effect that the High Courts should be centralised ; and they made a further recommendation that the costs of High Courts should be borne by central revenues and that to discharge that expenditure the court fees should be assigned as an item of central revenue. I had occasion in considering that recommendation to examine a little more closely what the administrative and financial implication would be and I found that it would be entirely impossible, at the present stage, to determine with any precision what the financial effect of that apparently simple expedient would be either upon central revenues or upon provincial revenues. As Honourable Members are aware, High Court fees are an important source of provincial revenue ; and what the precise effect of an assignment of that kind would be I find it impossible in present circumstances to say : it must be remembered that there are large variations in the rate and pitch of these fees, fixed according to particular provincial conditions. Moreover, it seems to me obvious that, regarding solely the financial point of view, it would be extremely difficult—it would certainly be very hazardous—to attempt to arrive at any conclusions on this single financial item, independently of all the very great adjustments and corrections and redistributions in the whole field of central and provincial finance that will be necessary. I may say that the recommendation of the Royal Commission was sent round to all Local Governments and to all High Courts for their opinion. Their opinions have been collected and they show, as I have already intimated, a very remarkable degree of diversity....

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : In the opinions given, is there any High Court in India that opposes centralisation ?

The Honourable Sir James Crerar : There are individual judicial opinions which are opposed to centralisation. There are opinions from very important Benches which in the present state of affairs take, what I think is a reasonable prudent course—certainly the course which I propose to take—of refraining from expressing any definite opinion. That was the attitude, for example, of the High Court of Bombay. But the point I wished to make was that the Local Governments more particularly, and some High Courts also, emphasise very strongly the extraordinary complexity of the administrative as well as the financial questions which would be involved in carrying out this apparently plain and simple suggestion ; and I think that Honourable Members will recognise that, apart from the detailed complexity of the adjustments that would be necessitated, there are some other considerations which make it desirable, certainly for the Government of India, to reserve its opinion. The Royal Commission no doubt made their observation with regard to the position

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of the High Courts on the assumption that it was to fit in with the general scheme of Government and of administration which they themselves proposed. Since that time very important developments have taken place. It is impossible for me, I think it is impossible for anybody, to say what the constitution of the provinces eventually will be, what the constitution of the Government of India will be, but it must be perfectly plain that any important, any fundamental, any radical changes in those respects will affect radically and fundamentally the question which is now before the House. There are, apart, from questions of the general framework of Government, important and very relevant questions such as the possible constitution of a Supreme Court which have been raised. Now, Sir, what will be the precise relation between the Supreme Court and the High Courts and the subordinate courts throughout India under a regime of that kind? I am not prepared to foretell, and I am therefore not prepared to prejudice or to define one particular aspect of what must be a large and unitary problem. Consequently, Sir, the attitude which the Government of India took in their Despatch to the Secretary of State on this subject was as follows :

“ We have made a summary examination of these proposals and have received in their general terms the views of the Courts and the Local Governments concerned. The material before us, however, is not sufficient for the adequate consideration of these recommendations, the financial and administrative aspects of which, intricate in themselves, will require detailed exploration and consultation with Local Governments in the light of the decisions reached on the larger constitutional issues, and we are of opinion that they could be more conveniently approached when those decisions have been arrived at.”

In other words, Sir, very much will depend on the context, on the picture into which this particular item must be fitted and to which it must be related. For example, a very great deal depends on whether the main function of the Supreme Court is to adjudicate on justiciable matters arising between component elements in a Federation or whether it is also to exercise anything in the nature of powers of revision and appeal from decisions of High Courts or other courts in India with regard to ordinary matters of municipal law. These are questions which I say we are not at any rate now in a position to decide. Consequently, our attitude towards this Resolution must be one of neutrality. We cannot accept it, and we are not disposed to oppose it. That, Sir, will be the attitude of the Government throughout the discussion, but if by any chance the decision of this House is to be obtained by means of a division, which, I think, is perhaps unnecessary, if that should be so, the Government will not vote in the division.

Lala Hari Raj Swarup (United Provinces : Landholders) : Sir, the Honourable the Home Member has made the issue very clear. The Resolution, as far as I understand, refers to the administration of the High Courts in India ; it does not refer to the appointment of Judges, nor to the control of the subordinate judiciary. The appointment of Judges should be as at present,—the permanent Judges should be appointed by His Majesty the King and the Additional Judges by the Government of India, and the control of the subordinate judiciary should rest with the provinces. So far as High Courts are concerned, their administration should be brought under the Central Government in the future constitution of India. The High Courts were established in India in the year 1861 and till the year 1919 there was no clear classification of subjects between central and provincial. It is true that the Provincial Councils brought

into existence by the Reforms Act of 1909 had a right to discuss questions affecting the High Courts, but as there was no clear classification of subjects and no responsibility in the Provinces, the Provincial Governments were practically the agents of the Government of India and the whole control rested with the Central Government. In the year 1919 a Committee known as the Fetham Committee was appointed to go into the question of the classification of subjects between the Provincial and Central Governments, and in their draft report they said :

“ Administration of justice, including constitution, maintenance and organization of courts of justice in the provinces both of civil and criminal jurisdiction, but exclusive of matters relating to constitution and powers of High Courts.”

This entry was 16 under the provincial subjects proposed by that Committee, but by some error in the draft later on the words “ but exclusive of matters relating to constitution and powers of High Courts ” were left out, and since 1919, the administration of the High Courts also became a provincial subject under the new constitution.

The Resolution before the House seeks to bring the High Courts under the Central Government, and I would like to make a brief comment on the few advantages that will accrue from such an arrangement. The first advantage will be that the centralisation of the High Courts under the Government of India would tend to the unity of the Indian Empire and the greater security of the High Courts themselves. The second advantage will be that a central authority would tend to improve and co-ordinate the general administration of all the High Courts by adopting the good and discarding the bad methods that may now be found in individual courts.

Thirdly, that the appointments under the High Courts would not be subject to the same political or communal pressure as in the case of Local Governments.

Fourthly, Sir, the High Courts may have to decide questions affecting the Local Governments or local Legislatures and so they would be free from the contact of either. In this case it has been seen in the debates of the various Legislatures since 1919, that on hundreds of occasions, the decisions and powers of High Courts have been in question simply out of political or communal considerations and such criticisms have tended in a certain degree to lower the dignity of the High Courts in public estimation. The Calcutta High Court, so far as the relations of the High Courts with the executive are concerned, remarked as mentioned by the Government of India in their memorandum submitted to the Simon Commission :

“ They point to the vital importance of maintaining the independence of the Court and refer to their long experience of attempts by the Local Government to interfere with that independence and with the independence of the Courts over which the High Court has superintendence.”

The fifth advantage will be that the effective work of the High Courts would no longer depend on the fluctuating finances of the Local Governments or on the chances of some hostile vote at Budget time or on the hostility of some extremist Local Government.

The sixth advantage will be the High Courts in certain provinces have extra territorial jurisdiction, as in the case of Bengal, the Calcutta High Court exercises jurisdiction over Bengal and Assam. Similarly, in the case of Madras it exercises jurisdiction over Madras and Coorg. And in the

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case of the United Provinces, the High Court exercises jurisdiction over the United Provinces and in certain matters over the province of Ajmer. Similarly, the Lahore High Court exercises jurisdiction over Delhi, and in the future constitution it is possible that some new provinces may be created, and one High Court may be required to have jurisdiction over more than one province. In these cases, naturally the question arises which executive authority and of what province should have control over the High Court. If the High Courts are brought under the Central Government, then this difficulty will automatically be solved.

Mr. K. Ahmed : What about your provincial autonomy ? Your nation is asking for provincial autonomy.

Lala Hari Raj Swarup : It does not affect provincial autonomy.

Mr. K. Ahmed : It does. There is your Congress creed.

Lala Hari Raj Swarup : Sir, the Honourable the Home Member has referred to the recommendations of the Simon Commission. The Indian Central Committee has also unanimously recommended that the administration of the High Courts should be placed under the Central Government. Five Provincial Governments out of nine have endorsed the recommendations of the Simon Commission, and all High Courts except the Bombay High Court which has not yet taken a decisive attitude, have also recommended the centralisation of High Courts for the consideration of the Government of India.

The Honourable the Home Member, Sir, referred to the financial aspect as well. So far as the financial question is concerned, the Bombay High Court has given some figures, and that shows that if the High Court fees are made a central source of revenue the High Courts will not in all probability be a losing concern for the Central Government. In paragraph 8 of their views submitted to the Simon Commission they say :

“ The income brought in from this litigation also runs to large figures. As regards the Original Side the receipts for 1926 were Rs. 10,16,740 and the expenditure Rs. 7,02,345 leaving a net surplus of Rs. 3,14,395.”

Sir, the Honourable the Home Member said that they could not take a decisive attitude unless the constitutional picture was complete. That is true, but the constitutional picture will be drawn in England and the whole arrangement regarding classifications of subjects will be reviewed by the Federal Structure Committee, and so if the Government of India forward the views of this House to the Federal Structure Committee, they will have a great weight on the decision that the Committee may have to take on this question,

Mr. K. Ahmed : What about your delegates of the Round Table Conference ? Do you want to interfere with their work in England and their independence on the subject ?

Lala Hari Raj Swarup : Therefore, in order to safeguard the independence, impartiality, and integrity of the High Courts it is very essential that they should be brought under the Central Government. Sir, the faith of the people of India in the integrity of the High Courts has been one of the bulwarks of British rule, which even the storm of political agitation has done nothing to shake. It is our duty, Sir, to preserve this faith by all possible means and the Resolution is the chief of these means.

Raja Sir Vasudeva Rajah (Madras : Landholders) : The structure of the British connection is and must be laid on the foundations of justice and fair play, and the one institution, which neither the extremist politicians nor the most quarrelsome of the communalists have attacked and which is, in town and country alike, productive of a feeling of security and confidence, is the High Court. There are many views held as to the proper composition of the High Court and the strengthening of it by introducing those principles of recruitment and tenure, which have made of the English judiciary the pride and the ornament of the world. But even under present conditions, in moments of excitement and trouble, political or otherwise, the unshaken confidence of the public in the integrity and impartiality of the High Court is an asset of the greatest value to India and to England. In this institution, people see the bulwark of their liberties and rights and the shield against arbitrary encroachments, not only by fellow-citizens but by the highest and mightiest executive authorities of the land. The history of British courts is one long and glorious record of holding the scales even between man and man ; and even in India, there have been many instances where, undeterred by considerations of popularity or criticism from one side or the other, the Judges of the various High Courts have laid down the law, without fear and without favour and have upheld those traditions which were enunciated finely by Chief Justice, Sir Arthur Collins, of the Madras High Court, when the buildings of the Court were opened, that he conceived it to be his duty to discharge his task in fear of God and in fear of no man.

This then being the tradition and the history of the High Court, it is necessary in the coming times when profound political changes are likely to take place and when the whole structure of political society is undergoing a fundamental alteration, to preserve intact and, if possible, to enhance the credit and utility of this institution. I hold that this can never be done, if the administration of justice and the judiciary are subject to fluctuations of local politics, and unless the recruitment to these high offices be made not on party considerations but on the basis of professional equipment and unsullied character and impartiality. It is, moreover, necessary to preserve that unity and uniformity of laws and their administration, which, subject to local differences due to divergence of personal law, has been one of the great accomplishments of the British rule in India and which has, in turn, led to that unity of ideals which is at the bottom of the present political movement. These things, I feel convinced, will never be so well or indeed at all achieved unless the recruitment and policy of the High Court and its control be vested in the Central Government detached from local strifes and party squabbles and concerned only with the righteous administration of justice in India as a whole.

I therefore support the motion.

Sir Hari Singh Gour : Sir, the Honourable the Home Member is perfectly right in not committing the Government to an attitude of either support or hostility to the motion, and if we examine the question, it is not a very simple question at all. Honourable Members will find that this was one of the questions upon which the Royal Commission and the Central Committee conjointly spent a great deal of their time, and in the memoranda submitted to them by three High Courts, the High Courts of Calcutta, Bombay and Lahore, opinions were expressed in favour of centralisation with this exception that the Bombay High Court was not

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quite sure whether the centralisation of all the High Courts would be conducive to a greater efficiency of the High Courts and would be financially and administratively possible. But the Chief Justice of the Bombay High Court when he was examined said that he would defer to the opinion of the Chief Justice of Bengal who had greater experience on this subject. The Chief Justice of Bengal was examined at very great length and his examination is printed in Vol. XV of the Report of the Simon Commission, page 405 onwards. The Bengal High Court has always been in favour of the centralisation of all the High Courts in India, and in the opinions expressed by the Chief Justice of Bengal and by the Judges of the Lahore High Court and indeed by several other Judges of the other High Courts, there was a strongly expressed view that whatever may be the future constitution of India the High Courts at any rate should be removed from the vortex and turmoil of local politics and local prejudices and that they should be placed under the central authority. The late Sir Coutts Trotter, then the Chief Justice of Madras, in his memorandum, which you will find at page 516, Vol. XV of the Royal Commission's Report, was of the opinion that if the High Courts were to be centralised they should be centralised under a law officer and not under the Home Department. He suggested that they should be centralised under the Law Member who was himself a lawyer and who would be able to guide and control them better than what the Bengal High Court now is by the Home Department. That, Sir, was the view that was expressed by the late Chief Justice of Madras. Now, Honourable Members will find that there is undoubtedly a strong body of judicial opinion in favour of the centralisation of the High Courts because the High Court Judges are not politicians, and what they want is to be removed from the local prejudices of the politicians. One of the Judges in his evidence has pointed out that every year when the grant is placed before the local Council, the High Court Judges become the targets of attack by the local Councils and by the very nature of the case they are not able to defend themselves. High Court Judges are not represented in the local Councils. Their very impartiality makes them dumb to the voice of criticism raised against them in the local Council, and consequently the criticism against them, however, unjust and undeserved, goes unreplied to except perhaps by a spokesman of Government who may not be able to give the same effective reply which one of the Judges themselves might have been able to give through their accredited representative. That is the position of the Judges of the High Court. Consequently *a priori*, there is a great deal in favour of the view that whatever may be the future constitution of this country, whether it is to be shaped on a dominion basis or is to be on a federal basis, following the provisional recommendations of the Round Table Conference, the High Courts of India at any rate must be under the control of the Central Government. I visualise before my eyes some of the disadvantages that would accrue by the centralisation of the High Courts in India. Views were expressed before us by a number of high executive officers that if the High Courts are to be centralised and placed under the Minister of Justice or the Law Member or under the Home Department as the High Court of Bengal now is, the cry will soon be raised that the subordinate judiciary, the Sessions and District Judges and subordinate Judges, who are under the High Court, and in most provinces are appointed by the High Courts.

and in other provinces appointed on the recommendation of the High Court, should equally be centralised, because the reasons that exist for the centralisation of the High Court are reasons which apply equally to the centralisation of the judiciary, whether supreme or subordinate. That of course would be the objection, and that objection has been raised. Our answer to that was that, so far as the High Courts are concerned, they are the final Judges on fact and law, and being the ultimate tribunal in all matters of civil and criminal administration and justice, their case stands apart from that of the subordinate judiciary. If they commit mistakes, their mistakes would be rectified by the High Court, but if the High Courts commit mistakes, the mistakes may not be rectified at all, because the jurisdiction of the Privy Council is extremely limited in civil cases and is negligible in criminal cases, and what is more the Privy Council has not the general power of superintendence, direction and control which the High Courts exercise over the subordinate judiciary. Therefore I submit the objection that has been raised and might be repeated by the executive Governments of the various provinces that, in order to be logical, either the whole judiciary *en bloc* should be centralised or that the whole judiciary, including the High Courts, must remain provincialised does not appear to be conclusive. The case of the Calcutta High Court was exceptional, due to historical facts. Those who know the history of India in the days of Warren Hastings and later on know that the Government of Bengal afterwards became the Government of India and the Supreme Court became the High Court of Calcutta and the High Court of Calcutta therefore came to be placed under the Government of India. That is the historical fact and accident that the High Court of Calcutta has always been under the Governor General in Council. I do not know whether the High Courts have changed their opinion after the publication of the Report of the Royal Commission, but if they have not, I venture to submit that there is a consensus of opinion that the High Courts of India, including even the Bombay High Court, subject to the qualification which I have just now pointed out, should be centralised and the advantage, I see, is that there would be a closer co-ordination between the various High Courts. It is a lamentable fact that the High Court of Calcutta regards itself as working in a water-tight compartment. It enunciates rules and gives interpretations entirely different perhaps to the High Court of Bombay, because the Calcutta High Court feels that it is under no obligation to work in co-ordination with the High Court of Bombay but when we have a central authority, it may be the Supreme Court or Minister of Justice or Law Member, dealing with all the various High Courts of India, there would be greater co-ordination and greater re-approachment between the various Judges of the High Courts, and this change would be conducive to the elimination of some of those differences which now exist between the various High Courts in the country. The Home Member has pointed out very rightly that whatever may be the theoretical advantage of centralising the High Court, we have to look to the practical side of the question. If you want really to give provincial autonomy, and all provinces are crying out for provincial autonomy, you cannot give it by making reservation in the case of a very important item, namely, the judicial service and no province will not feel happy if you withdraw from it a very important branch of provincial administration, namely, its judiciary. Secondly, the provinces will raise the taxes and the rule is that he who pays the piper

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must call the tune and if the provinces are to finance the High Courts, it would be anomalous that the Central Government should have a controlling jurisdiction over them. Consequently there would be a very great outcry from the provinces against the centralisation of the High Courts, if the provinces are to raise the taxes and finance the High Courts. That is a very weighty argument and how that is to be got over, I am not in a position to say here, except that it might be a matter of settlement between the various provinces and the centre.

The other difficulty is the difficulty of distance. The Bombay High Court has rightly pointed out and in effect said, "Look at the distance between, we will say, Rangoon and Bombay". I am assuming of course for the sake of argument that Burma will continue to be a part of India. If this assumption does not apply, take the case of the distance between Calcutta and Bombay. If the Central Government is to control all the High Courts, a single man at the head of affairs here would not be able to control the various High Courts with the same degree of closeness as the Local Government's Home Member or the Minister of Justice of a province will be able to do, and that of course is another argument which I submit is well worthy of consideration. But these are all arguments *pros and cons*; and I feel, Sir, with the Honourable the Home Member, a great deal of diffidence in advising this House as to what line to adopt; but I think the best thing that we can do is to ask the Honourable the Leader of the House to submit to the Round Table Conference the report of the proceedings of this meeting so that they may give their due weight to all the arguments that have been adduced for and against centralization of the High Courts.

Mr. K. Ahmed : And in the meantime the Resolution may be withdrawn !

Sir Hari Singh Gour : I think that is the utmost that we can ask this House to do. The future constitution of this country, both executive and judicial, is in the melting pot. As the Honourable the Home Member has very rightly pointed out, there is a suggestion, in fact it is a declaration of the Lord Chancellor that the future constitution of India will comprise a Supreme Court. But the functions of the Supreme Court have still to be defined. Whether it will be a federal court for the purpose of interpreting and upholding the federal constitution, or whether it will deal with municipal law and would replace the Privy Council so far as civil appeals are concerned, and will be a court of criminal appeal in serious cases, is still a question upon which the Round Table Conference have come to no conclusions; and supposing the Supreme Court is a plenary court of jurisdiction, whether it should possess the power of superintendence, direction and control over the various High Courts is again a question which has still to be decided. I therefore submit that it is premature to dogmatise on the subject. All we can say is that our sympathies are in favour of the centralization of the High Courts if possible; but whether it is possible or not, and whether it is practicable or not, we are not in a position to say, and that is the utmost length, Sir, to which I am prepared to go on this subject. My sympathies are with the High Courts. The High Courts as a body, so far as I am able to understand them, are in favour of the centralization of the High Courts. They

do not want to mix themselves up with local politics and local turmoils, and they want to be a non-political body as they ought to be, detached from the turmoils of local politics and local intrigue, and they want to dispense pure and undiluted justice in matters that come before them. That of course is, as I have said, their point of view. And if it is possible to reconcile this view with provincial autonomy, no one would be more happy than myself. But whether it is possible to reconcile it with the ambition of the provinces to have complete provincial autonomy, excepting nothing, and yet centralize the High Courts is a knotty question, and I therefore submit that we should not in any way pronounce upon this question, whether it is possible or it is not possible. All we should do is to convey to the representatives at the Round Table Conference our view that, if possible, the High Courts might be centralized.

Mr. President : I see that there are several speakers still who wish to speak on this subject. I adjourn the House to half past two.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, the Resolution moved by Mr. Amar Nath Dutt is a very complicated one. So far we have not arrived at a future form of constitution for India, and so long as we do not know what the future constitution of India will be, it is very difficult to pronounce any definite opinion on this knotty question. On the other hand if we look to the question of a Supreme Court and its functions, that again is a very difficult question and unless we know what its functions will be and what the duties of the Supreme Court will be, we cannot say what the fate of High Courts should be. At the same time the causes which have brought about the different High Courts in India depend on different historical conditions. Therefore too I find that it is very difficult to sketch the new form or say whether the High Courts should be a central subject or a provincial subject. The different High Courts have expressed different opinions as there are difficulties about finances and the language question. It was said once perhaps by the Madras Government, if I mistake not, that it may be that the Government of India might send some High Court Judges to Madras who are not acquainted with the language of the place or who may not know the law of the land sufficiently or at least of the province, or who may not be cognisant of the customs prevailing in the Madras Presidency, or in those other Presidencies where they are sent. Thus we find that there are sufficient difficulties in the way of pronouncing a definite opinion upon this question and I am in agreement with my Honourable friend, Sir Hari Singh Gour, regarding the difficulties which he has also pointed out. Sir, I know that the Government of India have expressed their opinion, the different High Courts too have to a certain extent expressed their opinions ; but as the matter is before the Round Table Conference, it would not be right for us here to express any definite opinion on this question. Of course, the different Provincial Governments have to make their local procedure rules ; they have also to make their rules for the services and to keep a record of the different

[Mr. Muhammad Azhar Ali.]

ways in which they arrange their own services. Therefore I think it is rather early for us to decide this question.

As regards the broad question of provincial autonomy, I think I would also attach some importance to that. If we claim to have free provinces and a complete provincial autonomy, I am sure this knotty question will interfere with it if we express any opinion at present on this question. If the provincial High Courts remain under the Central Government, surely it will be a matter for consideration for the provinces whether they should defray the expenses or they should not. With these remarks I think it will be more expedient for us not to express any opinion at the present juncture.

Mr. B. N. Misra (Orissa Division : Non-Muhammadan) : Sir, I admit the good intentions of the Honourable the Mover and the supporter of this Resolution, but I have grave doubts about the utility of this Resolution at the present time. The object of the Resolution is undoubtedly very laudable. It wants to retain the independence of the Judges of our High Courts, the highest judiciary for each province. But, Sir, I doubt whether my Honourable friends have diagnosed the case correctly and whether they will have their remedy in the Resolution if it is carried. You want to retain the independence of the judiciary. That is a very laudable object and no one will disagree with that view, but how to secure it ? Is it by this Resolution, putting the Judges under the Central Government rather than under the Provincial Governments ? Sir, there was a time when Judges retained their own independence, their honesty of purpose and their character. They would not even accept invitations from the provincial Governors. At any rate I know of one instance in Madras where the High Court Judges would not accept an invitation from the Governor, far from yielding to any temptations which might be thrown in their way by the Governor. And it is well known that other High Court Judges have also kept their character intact and never yielded to any temptation. But, Sir, it may probably be that in these days there are Judges who would court the favour of any Government officials and would not think of maintaining their character, but what is the remedy ? I have had experience of courts for about a quarter of a century and I do not think that the High Court Judges or any other Judges do anything wrong when the matter relates to party and party or where private parties are concerned. And when Government or any official is interested in a case, probably there may be some cases where charges have been levelled against our High Court Judges that they have yielded to temptations. No Judge would yield to any temptation if it be made a rule that, after retirement, a Judge should not be given any other appointment as an Executive Councillorship or a post in the India Office, etc. If these temptations are not thrown in their way, I do not think there will be anything to accuse High Court Judges of any miscarriage of justice. I think my Honourable friend should have brought his Resolution in a different form, that no Judge after retirement should be appointed to any post under Government. I know that, except in special cases, Judges generally retire at the age of 60. At least that is what the rule is in three provinces that I know of, Bengal, Madras and Bihar and Orissa. So they have had enough time to serve Government but still some of them

have got their weaknesses and fall to temptations. So either the Government of India or the Local Governments should make a rule that Judges, after retirement, should not get any other Government appointments. In that case they will not yield to temptations and there would be no fear of a miscarriage of justice.

The Honourable the Mover wants to have Judges under the control of the Central Government. Are the hands of the Central Government or the hands of the Provincial Governments so small that the latter cannot approach the Central Government direct or the Central Government cannot approach the Local Government? So the real test lies in the Judge maintaining his independence and his character and that is one view. The other is that Government should not give temptations. Once a man is appointed as a Judge by the Central Government or a Local Government, no temptations should be put in his way in the shape of the other gifts that may be in their hands.

Mr. Amar Nath Dutt : You mean Executive Councillorships?

Mr. B. N. Misra : Yes, or even a post in the Secretary of State's Office in London, known as the India Office and so on. Of course there are titles and other things also. I think one who takes the pledge to administer justice to the people should be above temptations: as the saying goes, Cæsar's wife should be above suspicion. Government should not therefore put any temptation in their way by making them think they can remain in service beyond sixty in some other capacity. I submit the real remedy lies there, whether they are under the Central or Local Governments. At the present time we are not sure what form of Government we are going to get under the Round Table Conference. Therefore, I request my Honourable friend to withdraw and wait for another time after the decision of the Round Table Conference.

Mr. C. Brooke Elliott (Madras : European) : Sir, I do not think that in a fairly long series of attempts at compression, I have ever seen a higher degree of compression than has been shown by my Honourable friend—on which I congratulate him—in putting into three lines this manifestly most comprehensive Resolution. It is a subject of very great interest to the public and to humble lawyers like myself, and my silent friend on my left. (Laughter.) If I may say so, I would respectfully associate myself with the wide words and the wise words which the Home Member, Sir James Crerar, addressed to us this morning. In every contract we lawyers pay a great deal of attention to the word 'consideration'. In this comprehensive contract there is not *one* consideration, but many considerations to be taken into account. I am going to tell my Honourable friend a little story or rather invite him to take a little journey with me to the pleasant waters of the Mediterranean—where we shall be quite safe. On one occasion in 1925 when I was travelling to England, we imported into our vessel at Port Said the Right Honourable Herbert Henry Asquith (as Lord Oxford then was) and he was our companion on the voyage for four and a half days, two and a half of which were somewhat rough. The night before we reached Marseilles, our journey's end, we invited the Right Honourable gentleman to give us a little oral example of that stately and famous English prose with which

[Mr. C. Brooke Elliott.]

he has charmed many ears and many a House of Commons ; and he consented and proposed the health of the Captain of our Good Bibby Liver. Mr. Asquith dwelt first of all on the imponderability of our good ship with its costly freight, and then dwelt eloquently on the emotionality of the rough Mediterranean ; and thus threw a new and delightful light and meaning on his famous doctrine of " Weight and Sea ". (Laughter). I think that that is a very sound doctrine, a good liberal doctrine coming from Mr. Asquith, a Scotchman as well as a Liberal. I think we too must consider those two factors of vigil and vision ; and I trust that I shall be pardoned by the Home Member if I draw attention to the imponderability of the Indian Government and the sea—or rather the Indian Ocean—of problems that are involved in this three-line Resolution. An immense question like this may be ventilated, and very interestingly ventilated, but surely it cannot be dealt with by a simple " yes " or " no ". That is my difficulty when we are aiming at a complete separation of the ' Ayes ' and ' Noes ', personally in this House. I do not like to separate my " eyes " if I may say so from my " nose " : I prefer to keep my features entirely as God made them in relation to this question. That is the difficulty. If you said ' Yes ', I would like also to say ' yes ', because I do think in many ways I agree with the spirit of the Resolution ; but on the other hand I think it is rather premature and therefore while, as I say, we have ventilated this interesting problem and while one Honourable Member made some observations, from which if I may say so respectfully, I desire to dissociate myself to a great extent, and while I could discuss it at great length—for I once spoke for nine days without a break—yet on the other hand there is much other pressing business, before us, and I think that my Honourable and learned friend—I do not know if the Honourable Member is in our profession ? (*An Honourable Member* : " Yes ") I am very glad to hear it—did well in bringing up this matter : but as I say, how can we really come to any satisfactory conclusion to-day ? We have got to consider the financial aspect ; we have got to consider all the professional aspects, also the public aspect ; and we have got above all the aspect from the general constitutional point of view—the general good health of future political India—what we may call the new " Indian Constitution ". That new constitution is now being hammered out upon the anvil in England. That all the considerations embodied in this Resolution will be put forward, I have not the slightest doubt ; but until we get a great step further forward, and until perhaps we come to the next Session of this House, (when we shall have got somewhere near anyhow to what the future constitution of India is going to be,) it seems to me a little bit of a pity to discuss rather briefly what I might call only one feature of the future constitution. Because the only real results that can flow will be when you can discuss the constitution as a whole. It is a most vital and interesting subject. As I said I wish I had nine days to discuss it ; but in view of the imponderability and wideness of the problem, would any useful purpose really be served by taking this omnibus Resolution to a division ? Sir, we are a happy family in this Assembly : sometimes even in happy families in India a partition suit is brought, and the family becomes divided. On this question I would ask my Honourable

friend to withdraw his proposed constitutional partition suit and let us remain a happy family, undivided on this Resolution.

Mr. K. P. Thampan : I move that the question be now put.

Mr. President : I think I will accept the closure. The question is that the question be now put.

The motion was adopted.

Mr. Amar Nath Dutt : Sir, I have heard the argument that has been adduced by my Honourable friend who has just preceded me on the opposite side, and I am grateful to him for what he has said. I also realise the ocean of difficulty that lies in constitution-making ; but at the same time I would invite the Honourable Member's attention to the wording of my Resolution. No doubt it is a three-line Resolution, as he has characterised it ; but that does not take away from the fact that it is a mere recommendation that in any future constitution that may be framed, the High Court may be made a central subject. That is what I want. I am not going to enter into any controversy about unitary form of government or federal form of government or anything of that sort. In fact I have never been in favour of federation. I believe that a unitary system of government is best suited for India, but that is not to our present purpose.

I am also grateful to the Honourable the Home Member for the attitude he has taken on this question. Naturally as Home Member in charge of a very difficult department, so to say at the present moment, when the new constitution is being framed, he cannot accept the view we take, but at the same time he has brought his judicial mind to bear on this question and suspended judgment. He says that there are many things in favour of my Resolution, while there are also certain difficulties. I also appreciate that there are certain difficulties, but what I want of those constitution makers who have the honour at the present moment to sit at the Round Table Conference as the accredited representatives of the nation, some of whom have been chosen by the Government of India,—I think the Government think that they have sufficient intelligence to come to some conclusion on this matter—and therefore what I want of those constitution makers is that they should know our view on this question. Sir, the difficulties that have been pointed out are not insurmountable, but the whole thing requires some amount of study and deliberation.

Sir, I do not think I need enter into any discussion about the difficulties that lie in the way of provincial autonomy. I do not want to make a fetish of the words "provincial autonomy" ; in fact, I believe in Indian autonomy rather than in provincial autonomy, but those things are outside the scope of the present inquiry.

Then my friend, Mr. Azhar Ali, was pleased to observe that we had no definite knowledge about the future constitution. Certainly none of us can claim to have any knowledge of the future constitution, nor can we claim to know what the future position of the High Courts in India will be under the new constitution which is now being hammered out. But we have to decide whether the High Courts should be central or provincial subject, and so far as we can see, there are a good many advantages in having the High Courts

[Mr. Amar Nath Dutt.]

as a central subject, because that will preserve not only the dignity and independence of the courts, but they will be free from criticisms which we so often hear in the local Councils. I do not want to repeat those compliments that have been paid to Members of the Central Legislature by Members on the Treasury Benches on the other side in their memorandum, but I think those compliments are to a certain extent true, and we accept those compliments with good grace. With these few words I place this Resolution before the House, and I hope there will not be any opposition to it, because many may doubt Government's difficulties, but I do not expect that there will be any opposition to my Resolution. With these few words I commend the Resolution for your acceptance.

Mr. President : Does the Honourable the Home Member wish to reply ?

The Honourable Sir James Crerar : No, Sir.

Mr. President : The question is :

“ That this Assembly recommends to the Governor General in Council to convey to His Majesty's Government in England that in the opinion of this House the High Courts in India should be a central subject in the future constitution of India.”

The Assembly divided :

AYES—28.

Aggarwal, Mr. Jagan Nath.
Anklesaria, Mr. N. N.
Brij Kishore, Rai Bahadur Lala.
Chandi Mal Gola, Bhagat.
Dudhoria, Mr. Nabakumar Sing.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Hoon, Mr. A.
Jadhav, Mr. B. V.
Lalechand Navalrai, Mr.
Mitra, Mr. S. C.
Pandian, Mr. B. Rajaram.

Pandit, Rao Bahadur S. R.
Parma Nand, Bhai.
Puri, Mr. Goswami M. R.
Raghubir Singh, Kunwar.
Rajah, Raja Sir Vasudeva.
Rajah, Rao Bahadur M. C.
Ranga Iyer, Mr. C. S.
Rastogi, Mr. Badri Lal.
Reddi, Mr. T. N. Ramakrishna.
Sarda, Rai Sahib Harbilas.
Sen, Pandit Satyendra Nath.
Singh, Mr. Gaya Prasad.
Sukhraj Rai, Rai Bahadur.
Thampan, Mr. K. P.

NOES—19.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Anwar-ul-Azim, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Elliott, Mr. C. B.
Fazal Haq Piracha, Shaikh.
Ismail Ali Khan, Kunwar Hajee.
Maswood Ahmad, Mr. M.
Misra, Mr. B. N.
Morgan, Mr. G.

Muazzam Sahib Bahadur, Mr. Muhammad.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Rafuuddin Ahmad, Khan Bahadur Maulvi.
Rajan Bukhsh Shah, Khan Bahadur Makhdom Syed.
Sher Muhammad Khan Gakhar, Captain.
Studd, Mr. E.
Sykes, Mr. E. F.
Talib Mehdi Khan, Nawab Major Malik.
Yakub, Sir Muhammad.

The motion was adopted.

Mr. O. Brooke Elliott : May I make a brief personal explanation ? I was of course inaccurate in saying just now that Mr. Asquith was a Scotchman. My difficulty is this. I do not know whether I ought to apologise to Scotland, or to the members of the Asquith family ! (Laughter.)

RESOLUTION *RE* POWERS OF THE GOVERNOR GENERAL UNDER THE NEW CONSTITUTION.

Sirdar Harbans Singh Brar (East Punjab : Sikh) : I beg to move :

“ This Assembly recommends to the Governor General in Council to convey to His Majesty's Government the opinion of this House that no constitution will be acceptable to the people of India in which the position of the Governor General of India does not closely approximate to that of a constitutional Governor General as that of Canada, thus removing from the Statute-book his ordinance-making and other extraordinary powers and placing the entire responsibility for the Government of India on the shoulders of the Indian Legislatures, Central and Provincial.”

Sir, we take this course to strengthen the hands of His Excellency the Governor General and the delegates to the Round Table Conference in London, including Mahatma Gandhi, because the constitution at present is in the melting pot and the picture of the future constitution for India is in the process of being painted at St. James Palace in London. Surely, it is nothing but appropriate for this House that it should place its views on the subject before His Majesty's Government. Sir, His Excellency the Viceroy, soon after his arrival in India, made a memorable speech at the Chelmsford Club in the course of which he said :

“ I venture to hope that all those concerned, when they go over to London in the near future, will hurry on towards the completion of their labours in regard to the constitutional reforms so that my life here may more closely approximate to the four happy years I spent in Canada as a constitutional Governor General, and that I may shortly be relieved of many of the administrative duties.”

Sir, that speech was acclaimed and applauded throughout the country as a sincere desire on the part of the Government for the framing of a constitution for India on lines of Dominion Status. Sir, the other day, His Excellency the Viceroy was pleased to remark :

“ We all have a great common purpose in view, namely, the handing over to Indians the responsibility of the administration of their local affairs with a view to securing for India an absolutely equal position alongside the other Dominions within the British Empire.”

Sir, the phrase “ local affairs ” is worth noting. What is the reason for the change in the policy of the Government and in their attitude ? The House will remember that when the first speech was made, Mr. Bann was His Majesty's Principal Secretary of State for India, and when the latter speech was made Sir Samuel Hoare, a die-hard Conservative, had taken over charge of Indian affairs. Sir, we were always under the impression that as regards Indian affairs there is no difference in the policy of the different parties in England. Now, however, we find that there is a difference between the attitude of the different parties in England as regards India's future. When the declaration of August, 1917, was made, it was also drafted by a Conservative Secretary of State, Sir Austen Chamberlain, though it was delivered by Mr. Montague in the House of Commons who had taken charge only two or three days before, and that was also

[Sirdar Harbans Singh Brar.]

couched in the same guarded language, and conceding less than the minimum at that time. So, as far as India is concerned, I may say that we stand by the Chelmsford Club speech, that is the Magna Charta of Indian rights. Then the position of the future Governors General will be like that of His Majesty the King Emperor, or more correctly, like that of the Governors General in the Dominions. The Governor General will have no powers of ordinance-making or even of certification. That is the position that India wants, and Mahatma Gandhi, in his opening speech at the Round Table Conference, published to-day, has made it clear that India will accept no less. The purpose of this Resolution is to strengthen alike the hands of the sole delegate representing the Indian aspirations, namely, Mahatma Gandhi, and those of the Government. We do not desire to go out of the Commonwealth of British Nations, but the only way to keep India within that Commonwealth is to make the Legislatures of this country sovereign bodies as they are in the other Dominions, where the Governor General, as His Excellency Lord Willingdon has truly prophesied in his Chelmsford Club speech, will occupy the same constitutional position as in Canada and other Dominions. We hope for the day when the era of ordinances will come to an end, and true democracy be ushered in for the greatest good of the greatest number.

With these few remarks, I move the Resolution standing in my name.

The Honourable Sir George Rainy (Member for Commerce and Railways) : It is not necessary for me I think to inflict a long speech on the House, but it is perhaps better that I should say what has to be said on behalf of the Government at the outset of the discussion. In one sense, Mr. President, this Resolution may be described as almost a truism. It is obvious that, until Dominion Status is attained, which, when fully developed will carry with it all the implications as to the powers of the Governor General—till that is attained, Indian aspirations will not be satisfied. That I think is clear to all of us. In the second place, I can go a little further. Till that stage is reached, the policy of His Majesty's Government will not have been fully carried out. But while that is true, the circumstances of the moment are somewhat different, for the immediate practical question is, not what is to be the ultimate solution, but what can immediately and practicably be done at the present moment. Now, on that question, Mr. President, it is obvious that the attitude of the Government of India is and must be that of His Majesty's Government as expressed in the Prime Minister's declaration of the 19th January last. I should like to read one or two extracts from that declaration :

“ The view of His Majesty's Government is that responsibility for the government of India should be placed upon Legislatures, Central and Provincial, with such provisions as may be necessary to guarantee, during a period of transition, the observance of certain obligations and to meet other special circumstances, and also with guarantees as are required by minorities to protect their political liberties and rights.

In such statutory safeguards as may be made for meeting the needs of the transitional period, it will be a primary concern of His Majesty's Government to see that the reserved powers are so framed and exercised as not to prejudice the advance of India through the new constitution to full responsibility for her own government.”

I pass on omitting three paragraphs and then I come to this :

“ Under existing conditions the subjects of Defence and External affairs will be reserved to the Governor General, and arrangements will be made to place in his hands the powers necessary for the administration of those subjects. Moreover, as the Governor General must, as a last resort, be able in an emergency to maintain the tranquillity of the State, and must similarly be responsible for the observance of the constitutional rights of Minorities, he must be granted the necessary powers for these purposes.”

Now, in that scheme as set forth in the declaration of the Prime Minister, on the one hand there is to be responsibility to the Legislature both in the provinces and at the centre and on the other hand there are to be reservations and safeguards. If one can judge by the reception which the Prime Minister's declaration received both from the members of the Conference and public opinion in India, I think it may be said that the declaration did represent a considerable consensus of agreement at the Conference. Also I think it may be said that it was generally accepted as a basis on which the structure of the new constitution could be reared. In the light of the situation as it exists to-day, after the declaration of His Majesty's Government and when the Federal Structure Committee has reassembled and is engaged at the present moment in the task of constitution-building, the question I would ask is what exactly does this Resolution mean ? Is it intended to be of the nature of instructions to the delegates to the Round Table Conference as to what they are to do ? Does the Assembly really think that these eminent men, who faithfully represented the interests of India at the first sittings of the Conference, require special instructions ? I would like to put another question. Does the Resolution mean that there should be no transitional period, no reservations and no safeguards ? Is it meant that there ought to be no reservations or safeguards as regards defence, external affairs or as regards the protection of minorities ? I put the last point specially because it has so constantly been impressed upon the Government of India and upon His Majesty's Government from Indian quarters that in the new constitution there must be those safeguards, and it has very frequently been put in the form of special powers which ought to be in the hands of Governors and of the Governor General for that purpose. Therefore what I should like to put before this House is this. The attitude of the Government of India, as I have said, is and must be that which was clearly explained in the declaration of the Prime Minister in January last. Therefore, as this Resolution, as it stands, is clearly inconsistent with that declaration, the Government of India could not support it. On the other hand there is no desire on our part to prevent free expression of opinion, and the Government have decided that in all the circumstances it is better that they should not take part in the voting on this Resolution. But what I would ask Honourable Members to consider is this. This is a very important and grave crisis in the affairs of India. Much depends upon the decisions to be taken in a short time, and much depends upon the attitude of all those who can influence the course of the discussions. I would ask Honourable Members, before they decide what their attitude is to be as regards this Resolution, to consider with themselves what the effect is likely to be, and whether on the whole the passing of this Resolution would assist the attainment of a peaceful and harmonious settlement by agreement in London, or whether it would tend to make such a result

[Sir George Rainy.]

less probable. I do not believe there is smallest difference of opinion in all sections of the House as to what they desire. We all desire to see that peaceful and harmonious settlement. It is not for me to dictate to other Members as to the best means of bringing that about, but I do ask them to consider seriously whether in the face of the declaration of His Majesty's Government, an expression of opinion, apparently intended not as to the result which people hope to see come about in a few years time, but as a result to be achieved immediately, whether such a Resolution would assist the work of the Conference or render it more difficult.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Sir, I am very grateful to the Honourable the Leader of the House for having put the case of the Government with the same grace and the same restraint that we have always learnt to associate with him. I may at the very outset assure him that so far as this side of the House is concerned, we have nothing dearer to our heart or nearer to our ambition than to make a harmonious settlement between the two countries possible ; and, Sir, I believe that the Honourable the Leader of the House was perhaps a little worried about what he was pleased to describe as the capacity of this Resolution. I know that the capacity of this Resolution can only be measured in the terms of the ambition of the Indian people which he was pleased to define as a truism. Sir, it is not a mere truism ; it is something more than a truism ; it embodies in itself the concentrated agitation which the Indian people have carried on in a constitutional way ever since the founding of the Congress. It has behind it the opinion of an overwhelming majority of the Indian people—an opinion which found recognition in the pregnant words uttered by His Excellency the Viceroy at the Chelmsford Club. Those words, Sir, were uttered by His Excellency the Viceroy, who knows the feelings and aspirations of the people, and who drew on his recent experience in Canada in the very first speech that he was pleased to deliver in India. And as Sirdar Harbans Singh, the Mover of this Resolution, truly said, those memorable words will live in history as the great charter of Indian rights and liberties, Sir, generations yet unborn will be grateful to His Excellency for having uttered those noble words. I am quite willing to grant that if the Mover of the Resolution had read some more quotations from the speech, it would appear that His Excellency did not immediately contemplate a complete transference of power, but at the same time he did contemplate a transference of power and the assimilation of the position of the Governor General of India to that of the Governor General of Canada within a very short period. Sir, His Excellency said :

“ If I am right in what I have said, then will come nearer the vision. I have always had before me the ideal for which I have always worked during long years of public service, a *great commonwealth of nations* ’’—

a better phrase for the old Empire, an expression, which we are pleased to observe, the sole delegate of the National Congress himself has endorsed in his speech, published in this morning's papers, at the Round Table Conference :

“ consisting of great countries spread all over the world, grown up and developed to the full strength and justly administered by the citizens of each particular country, comprising many different races, colours and creeds, bound together by one common tie

of loyalty to our King-Emperor, King George, and, by the example of their administration, exercising an overpowering influence in securing peace and goodwill among all the nations of the world."

Sir, I propose to interpret this Resolution in the light of that observation ; and I am perfectly certain that when I interpret this Resolution in the light of that observation, the Honourable the Leader of the House will think that the capacity of this Resolution is quite reasonable ; that it is reasonably limited. His Excellency concluded his speech with these pregnant words hoping that providence might give us all hope, optimism and the true Christian Spirit :

" I use the word ' Christian ' in its widest and most catholic sense."

He was speaking of working together in the true Christian spirit of mutual confidence and good-will for the benefit and welfare of this great country. He was speaking in an optimistic way :

"before my term of office is over, I may be a much more nearly a constitutional Governor General, and that this great country ere long may once again be on its way to assured and increasing prosperity."

Those words, Sir, mean—and the Honourable the Leader of the House will agree with me—responsibility in the Central Government, complete control or authority—not merely in provincial or rather local affairs.

I do not think that the Honourable the Leader of the House should think that we were trying to draw red herring across the path of the delegates to the Round Table Conference. Sir, the Honourable the Leader of the House was saying, " Are we thinking of issuing instructions to the Round Table Conference ? ". Sir, we are not aspiring to issue instructions to the delegates to the Round Table Conference. We feel however we have a more representative capacity in this House than even the delegates to the Round Table Conference, who, after all, are the nominees of somebody, separated from us by half the world. (Laughter.) Sir, as between the delegates to the Round Table Conference, and the Members of this House, the Honourable the Leader of the House I am sure, will appreciate the fact that the Members of this House have a more representative capacity. I expected, Sir, that he would express a little appreciation that a Resolution of this kind had been tabled and that he would go still further and say that the debate in this House would be communicated to His Majesty's Government. After all, this House has got some right to say something about its future, about the country's future. No doubt the Round Table Conference people are constitution-making. But this House was not called upon to elect representatives to that Conference, and among the new Members of this House, I believe there was only one swallow and that could not be said to make a political summer.

Sir, I do not think that the Honourable the Leader of the House would be justified in trying to belittle the importance of this House so far as its right to pronounce an opinion on matters which are being discussed in England is concerned. The Honourable the Leader of the House ought to know what this Assembly is here for. I think the Assembly has a right to say what kind of political institutions should be introduced into this country, especially in the light of the lead, the great lead that has been given by His Excellency the Viceroy.

[Mr. C. S. Ranga Iyer.]

I must confess I was extremely disappointed with the speech of the Honourable the Leader of the House. There was the usual politeness about his speech, the usual suavity which we all appreciate, but he did not appreciate our purpose, and not only that, he did not go a step further and say, "It is very good that a Resolution of this kind is being discussed, I hope this Resolution will not be pressed to a division but I do hope that the debate that is taking place here will be duly communicated to His Majesty's Government". Does the Honourable Member think that the Round Table Conference has got a better status than this Legislative Assembly? (*Cries of "Hear, hear"*.) Some on this side of the House may even be inclined to challenge many members of the Round Table Conference to come and contest in a general election. With the solitary exception of Mahatma Gandhi, who represents the Congress which elected him as its sole delegate, every other member of the Round Table Conference is only an official nominee. I know that Mahatma Gandhi does not require any "instructions" from this Assembly because I think I am perfectly moderate when I say that Mahatma Gandhi has certainly a very large following in the country. But Gandhi and two of his associates excluded, I do believe that the delegates to the Round Table Conference, taken each by each, are not any better than any of the Members of this House in their representative capacity.

Sir, the Honourable the Leader of the House made some references to the Prime Minister's speech. This leads me to a statement that was made by the Law Member designate as he then was, Sir C. P. Ramaswami Aiyar, the moment the Viceroy's utterance was made at the Chelmsford Club. Sir, it was at that time that the notice of this Resolution was given, though it has come up for discussion only now. The purpose of this Resolution then was to strengthen the hands of His Excellency the Viceroy. At that time there was a great sensation in England; very unworthy comments were indulged in by a certain section of the irresponsible Press against His Excellency the Viceroy's speech. At that time one Tory Member, a die-hard I should think, had also tabled a motion in the House of Commons. At that time it was feared that there would be a discussion in the House of Commons on His Excellency's speech. At such a time it was felt necessary that we should arm ourselves as India's Parliament to reply to the debate in the House of Commons. Fortunately that debate did not take place on that motion. At that time Sir C. P. Ramaswami Aiyar made the following statement which may be appropriately applied to this Resolution itself. In a statement to the Associated Press he said regarding the proposed motion of Mr. Bracken a Conservative M. P. in the House of Commons :

"His Majesty's Government, through the Prime Minister unequivocally stated on January 19, 1931, that the view of His Majesty's Government is that the responsibility for the government of India should be placed upon Indian Legislatures, Central and Provincial."

And the Honourable the Leader of the House will find that the exact language has been almost copied in this Resolution. Our view is that the entire responsibility for the government of India should be placed on the Indian Legislatures, central and provincial.

Mian Muhammad Shah Nawaz (West Central Punjab : Muhammadan) : Subject to the rights and interests as required by the minorities. The Resolution is silent on that.

Mr. C. S. Ranga Iyer : I wish the Honourable Member had given notice of an amendment. He wakes up rather too late. However, as the Law Member designate said, "subject only to certain transitory provisions". He then continued :

"It is therefore most surprising that Mr. Bracken should have ventured to criticise His Excellency's speech which restates the same proposition in another form. I sincerely hope that the motion will not be pressed"—

The motion was not pressed ; perhaps it was not even balloted, whereas the Resolution of my Honourable friend, Sirdar Harbans Singh Brar was more lucky in the ballot :

"and I feel nearly certain that Mr. Baldwin will not countenance it"—

In that respect the Law Member designate was a prophet. Mr. Baldwin obviously did not countenance it :

"for I firmly believe that such actions and the mental attitude underlying the motion will assuredly give rise to that acute racial and political tension which all those who know Lord Willingdon also know he is most anxious to eradicate by a policy of wise conciliation."

He went on to say :

"I shudder to think of the consequences that may follow upon irresponsible speeches in the House of Commons on the lines of this motion and the repercussions they may have on the Round Table Conference and the Delhi Pact."

Therefore, Sir, we had forearmed ourselves with this Resolution and now I have only to say that so far as Indian aspirations go, the agitation in this country will go on until India is endowed with what Mahatma Gandhi was pleased to describe at the Round Table Conference as partnership. (Hear, hear.)

Finally, Sir, I should say that the present position of the Governor General of Canada is mentioned in "Canada and World Politics" by Mr. Smith and by Mr. Corbett.

Mr. President : I should like to draw the Honourable Member's attention to the fact that his time is up. I will allow him only two minutes more.

Mr. C. S. Ranga Iyer : That is, Sir, why I said "finally" though I am very thankful to you for drawing my attention to the time limit. I wanted to conclude with this quotation which sums up the goal to which we aim, and that is a goal which even the Leader of the House has admitted is a legitimate goal. This is what Mr. Corbett and Mr. Smith say in "Canada and World Politics" :

"The Conference of 1926 gives formal recognition to this development of the Governor General's position by recommending that in future he should be furnished with copies of the more important despatches, the actual communications being exchanged direct between the two cabinets concerned."

I do not put it so highly for the next stage at all, but I would rather put it as His Excellency put it, that his position should nearly approximate to that of the constitutional Governor General of the self-governing Dominions.

The Honourable Sir George Rainy : Sir, I am sorry that I did not make it clear that the Government of India are perfectly prepared to forward to His Majesty's Government in England not only this Resolution as it is passed but the full report of the debate.

Mr. C. S. Ranga Iyer : Thank you. I can assure you on that assurance that the motion will be withdrawn after the debate and I have the permission of the Honourable the Mover to say so.

Mr. Arthur Moore (Bengal : Europeans) : Sir, I am very glad to hear Mr. Ranga Iyer's statement that the motion will be withdrawn. In that case I feel that it cannot be said that the debate has been entirely useless. I should certainly have deprecated any attempt to divide the House upon this point, because I feel fully the force of the argument advanced by the Honourable the Leader of the House that in view first of all of the attitude taken up at the previous session of the Round Table Conference, and secondly the fact that the further sessions of the Round Table Conference have in a sense already begun, this is not a propitious moment for us to debate such a Resolution. There is the further point that any vote, either for this Resolution or against it, is open to the most serious misinterpretation because there is a profound contradiction between the first and the second halves of it. Therefore any vote can be misinterpreted. The first part of the Resolution is a recommendation that the position of the Governor General of India should closely approximate to that of a constitutional Governor General as in Canada. Now, Sir, I think with that wording none of us would desire to quarrel. But the Resolution singles out the Dominion of Canada. I think probably the explanation for that is that our present Viceroy has come to us directly from filling the distinguished post of Governor General of Canada, and that in a recent speech at the Chelmsford Club he expressed his very natural aspiration, in view not only of his well-known views but of the settled policy of His Majesty's Government, that as soon as possible he would be able to find himself more or less in the position of a constitutional Governor General, such as he was in Canada. But when we go on beyond that, the whole aspect of the question changes, because if we were to examine the constitutions of the various Dominions—Canada, Australia, New Zealand, South Africa and Ireland—we should find that there are very very striking differences between them ; and in the case of India, there is no reason at all why we should be tied to the Canadian model. And when we reach the last sentence of the Resolution, it says that the entire responsibility for the Government of India shall be placed on the shoulders of the Indian Legislatures, central and provincial. Now, what about the electorate ? Is it not the duty of the Governor General in all these constitutions to defend the electorate against the encroachments of the Legislature ?

Mr. C. S. Ranga Iyer : But the Legislature will be responsible to the electorate.

Mr. Arthur Moore : May I remind my friend, Mr. Ranga Iyer, that Lord Willingdon's predecessor, Lord Byng, a very few years ago refused the Canadian Prime Minister a dissolution on the ground that the electors had been recently consulted and that it was not reasonable to consult them again after such a short interval ? May I remind Mr. Ranga Iyer further that the present Premier of New South Wales has met with a refusal—not from the Governor General of the Australian Commonwealth.

but from the Governor of New South Wales—that he has more than once been met with a blank refusal to do certain things which he, as the responsible Premier of that Australian State, has suggested ?

Mr. C. S. Ranga Iyer : Will the Honourable Gentleman allow me to interrupt him because he has put a question I can easily answer ? The Honourable gentleman invited my attention to Lord Byng's refusing a dissolution requested by the Canadian Liberal Government. I am quite aware of it, but I think the fact should be known to him that since then the power of the Governor General has been very much limited, and the Governor General of Canada for that matter is now not even the official channel of communication between the Prime Minister of Canada and the Prime Minister of England as he used to be. I do not want to take up his time ; but if he wants I could give him a quotation in this matter from "Canada and World Politics" by Corbett and Smith, at page 148 and subsequent pages.

Mr. Arthur Moore : I am afraid I cannot agree with my Honourable friend that the Governor General of Canada has in any way lost the right of direct communication with the Home Government. To return to the question of Australia, which I was trying to impress upon Mr. Ranga Iyer—I would mention that a Governor of a State—not even the Governor General—has repeatedly refused to agree to the request of the responsible Premier, because he felt that he was defending the interests of the electorate. I can remember an occasion a few years ago when Mr. Lang, the present Premier of New South Wales, sent a special representative home—one of his ministers—to appeal to the Colonial Secretary over the head of the Governor, because the Governor had refused to grant his request to create a large number of senators in the Upper House, and on that occasion the Colonial Secretary and His Majesty's Government entirely supported the action of the Governor of New South Wales. Therefore it seems to me that this second part of the Resolution goes beyond the actual facts and involves us in a contradiction ; and for that reason I find myself unable to vote for it.

Sirdar Harbans Singh Brar : Sir, the Leader of the House suggested that perhaps we were giving instructions to the delegates to the Round Table Conference. That was not the aim. This Assembly as the only elected representative organ of the constitution has the right to express its opinion on the future constitutional reforms to be given to India ; and that is how we mean it to be, because the delegates are after all the nominees of the Government, except Mahatma Gandhi and his two associates ; and in that view we desire that the expressed view of the elected representatives in this House may be conveyed to His Majesty's Government for guidance and to the Round Table Conference delegates for consideration. My friend, Mr. Shah Nawaz interjected "safeguards for minorities". I myself belong to one of the smallest and most important minorities which do need some protection no doubt and have been claiming it for some time ; but I believe that the greatest safeguard any minority either could have or should have is the goodwill of the majority, and that only, can protect it. No constitution could protect a minority without the goodwill of the majority, and that is the best and the only safeguard which any minority could or should have.

Mian Muhammad Shah Nawaz : It is just the other way ; the majority should have the goodwill of the minority.

Sirdar Harbans Singh Brar : Both ways. Mutual goodwill only can remove friction. The transitional period has been going on for such a long time, and I am reminded here of the words of that bold statesman, the greatness of whose head and heart shed lustre upon all Europe, Mr. W. E. Gladstone, while speaking upon Irish Home Rule :

“ Liberty alone befits men for liberty. This doctrine, like every other in politics, has its bounds, but it is far safer than the counter-doctrine of ‘ wait till they are fit ’.”

These are the words of that memorable statesman whose greatness nobody can deny ; and I think, given responsibility to the Indians, they will bear it and shoulder it with credit. And reference was made to Canada, because it is the Canadian constitution which is considered by most of the Indian constitutionalists as best suited to Indian conditions, and that is why we refer particularly to Canada.

Again, to impress upon the Government the desirability of giving up their present attitude regarding our fitness, that has never been questioned as regards any Central European States, who were in no way more civilized or more advanced than Indians, and therefore the question of fitness should not be raised when the question of reforms to India is under discussion. Mr. De Valera, speaking about India recently at New York, said :

“ All people are necessarily backward, when you deliberately debar them from progress ; they are necessarily ignorant, when you keep them out from education and withhold knowledge from them ; they are necessarily lazy, when you deprive them of the means or the incentive to work. Nobody can swim if the water to swim in or the opportunity to enter it is denied.”

Give us the opportunities, let us shoulder the burden, and India will prove quite fit to the occasion.

As regards the constitutional position of the Governor General which Mr. Moore questioned, I will read from this book a small quotation :

“ The last prerogative which remained to the Governor General was that of Dissolution. We have seen that Sir Edmund Head exercised his own judgment in declining to dissolve Parliament at the bidding of Mr. George Brown. But this power of control seems since to have been abandoned like the rest. The Governor General now appears to feel himself bound to dissolve Parliament at the bidding of his Minister, without any constitutional crisis requiring an appeal to the country, or cause of any kind except the convenience of a Minister who may think the moment good for snapping a verdict.”

With these few remarks, Sir, in reply to the debate and after the assurance of the Leader of the House to send the proceedings of this debate to His Majesty's Government, I beg leave to withdraw my Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

RESOLUTION *RE* CONTROL OF MONEY LENDING AND RATES OF INTEREST.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I beg to move the following Resolution which stands in my name. It reads thus :

“ This Assembly recommends to the Governor General in Council that he may be pleased to take up immediate legislation in order to control the money-lending and unrestricted usurious rates of interest in India.”

Sir, the present financial stringency in the country and the general depression in trade have evoked a great deal of stir and emotion in India

and all possible avenues which may lead to bring about relief to the people are being earnestly searched and surveyed. Of all the problems which are now facing the country, the economic condition of the people is a source of great anxiety.

This state of affairs may be attributed to several causes but a thorough investigation will show that the money-lending system in India is to a very large extent responsible for the appalling condition of the landholder and the tenant, who form a large section of the people of this country. I was amazingly surprised at the interest which the public has shown in my Resolution and the amount of support which I have received from all quarters. Since it was published in the papers that I have given notice to move this Resolution, hardly a day has passed, when I have not received some letters and some cuttings of articles in some papers in support of the Resolution and the eyes of the whole country are fixed on the result of to-day's debate in the Assembly.

The problem of agricultural indebtedness has assumed such proportions that at the present time any attempt to better the lot of the landholders and the peasants, or to ease their distress must necessarily prove absolutely futile which fails to touch upon the problem of debt. Land revenue is only a very unimportant fraction of the sum which the landholders and the tenants part. Annually, in order to pay their debts, interest must be at least fourteen or fifteen times the multiple of the land revenue. How can the remission of land revenue alone bring relief when debts and the interest remain untouched?

It is nearly impossible to find the exact figures of indebtedness in India, but scattered figures of indebtedness and statements available sufficiently go to prove the appalling condition of indebtedness in the country. In the Punjab the average debt per acre was estimated, about six years ago, at a figure of Rs. 31 per acre. Those supported by agriculture owed Rs. 76 per head. The indebted peasant proprietors owed Rs. 463 per head and of the total number of cultivators at least 83 per cent. were in debt.

The Punjab Zamindars Association was informed by the Honourable the Minister for Agriculture, recently, that the present total debt in the Punjab alone amounts to 150 crores, out of which 18 crores represent interest alone.

An account of the survey of rural indebtedness made by the 29 members of the Madras Youth League about certain villages shows that, excepting perhaps the very few who hold more than 10 acres or thereabouts, all the rest of the peasantry are involved in debt.

The land of practically every one of the small peasants is under mortgage. The rate of interest paid on loans raised on the mortgage of lands within the village itself ranges between 12 to 24 per cent. The rate of interest for loans raised outside the village, and from professional money lenders, in the city, ranges between 18 to 36 per cent. The Report of the Provincial Banking Committee of Madras, published about the end of 1930, shows that the maximum in any particular year of the total debt of the people over the province is in the neighbourhood of 150 crores of rupees and that the debt which continues from year to year is at present about Rs. 70 crores.

[Sir Muhammad Yakub.]

Some time ago an application was made to His Excellency the Governor of Bengal on behalf of the people of Darjeeling, in which it was stated "that the money lenders of Darjeeling charged an exorbitant rate of interest from their creditors, so that after it is once incurred the moveable and immoveable property of the debtors is taken possession of by the creditor in a short time. Thus the people of Darjeeling become poor and do not get sufficient food to eat".

I am sorry that figures of indebtedness about my own province, the United Provinces, are not available, but a recent investigation made by Mr. Mudie, about the indebtedness in Agra Pargana and Fatehpur Sikri, the best and the worst areas in Agra District, shows how in one of the best Districts in the United Provinces the Bania is strangling agriculture. No less than 69.3 per cent. of the cultivators and 55.6 per cent. of the zemindars are indebted in Agra Pargana, while the corresponding averages of Fatehpur Sikri are 93.4 and 93.4. The average debt for all the tenants is 135 per family in Agra and the average for indebted families is Rs. 210 per family in Agra, while the corresponding figures for Fatehpur Sikri are Rs. 246 and Rs. 266. Mr. Mudie notes :

"In Agra the indebted tenants owe practically the whole value of the crops. The agricultural debt of the indebted cultivator who cultivates less than 2.5 acres is 2½ times the value of the produce of his fields and it is not till holdings of more than five acres are reached that agricultural debt is less than the produce of the fields of the debtors. The agricultural debt of tenants in Fatehpur Sikri is slightly higher than the value of the produce of the land they cultivate."

The average rate of interest in Agra is 20.1 per cent. and in Fatehpur Sikri 20.5 per cent. respectively. It is thus obvious that a sum of money exceeding three times the land revenue annually passes into the hands of Banias in these places. No remission of land revenue or rent only can touch the problem of agricultural poverty when such a millstone hangs round the neck of the people, in one of the best districts of the United Provinces. Mr. Mudie's calculations are that :

"The banya brings his natural ingenuity to conceal his assets. They take no account of the numberless perquisites, in the shape of ghee, sugar and fruits, which are from time to time given to the banya and his clerk to keep them from withdrawing the loan unseasonably and of the constant manipulation of accounts, in which the banya indulges under an Evidence Act which accepts the account kept by the lender, and on account of the illiteracy of the borrower, who cannot calculate the interest, and who often forgets what he borrowed. One of the result of unrestrained usury is that a large amount of property is passing into the hands of the banyas, who are the worst landholders possible. The tenant never knows how much he owes for rent and how much for interest and capital and the money-lending landlord can screw the last penny from him by crediting payment to the loan account and then suing for ejection for arrears of rent.

The condition therefore of the cultivator, who is compelled to borrow at such ruinous terms to meet a net demand fixed in cash out of a crop the value of which is exposed to fluctuations in world markets and the quantity of which varies with the vagaries of the monsoon, is one of appalling poverty."

To this may be added the menace of "Saway" system which generally prevails in the United Provinces. By this operation, the cultivator is compelled to pay back to the money lender on an average of 27 seers of wheat for 8 seers borrowed about six months before, i.e., 250 per cent. for six months use or 500 per cent. per annum.

In the part of United Provinces known as the Doab no less than 75 per cent. of the cultivators are subjected to the "Saway" system. In

Rohilkhand, where the Mussalmans owned a very large percentage of landed property, during the last thirty years they have lost not less than 75 per cent. In the district of Furrakhabad the Thakurs have lost 50 per cent. of their landed property and the Mussalmans 40 per cent., on account of indebtedness. The Settlement Report of Badaun district shows that during a period of thirty years the Thakurs lost 50 per cent. and the Mussalmans 40 per cent. of their landed property.

Three years ago an investigation was made by an order of the Local Government in the districts of Badaun, as regards the indebtedness of the zamindars and the tenants, and the officer who was deputed to conduct the enquiry reported that the zamindars were on the verge of ruin on account of the heavy burden of debts. As regards the tenants, he says that the rate of interest was at least 37.5 per cent. per annum and that there was hardly any tenant who was free from the clutches of the money lender.

The position in the United Provinces is that, owing to a fall in the prices of the products, and scanty crops during the last two years, both the zamindars and the tenants have exhausted their resources and are totally unable to pay revenue and rent respectively. This afforded a unique opportunity to the money lender of extending his fleecing operations and about 75 per cent. of the landholders, as well as the tenants, had to borrow money on very exorbitant rates in order to pay what they could not avoid paying. During the last *rabi* crop the Government had to remit land revenue of about 70 lakhs, and the amount of the rent which the zamindars had to forego was nearly 2.5 crores, and if there is no improvement in the condition of the world prices, during the coming *khari* the Government will have to make a further reduction of about a crore and a half in revenue and the zamindars about four crores of rupees in rent. And if prompt steps are not taken by the Government to protect the zamindars and the tenants from the clutches of the money lender the position will become impossible.

Taking the Banking Inquiry Committee's figure as the basis of reckoning, debt would now work out at rupees 48.9 per acre, Rs. 119.9 per head of those supported by agriculture, and Rs. 730.3 per peasant proprietor of the province. About five years ago the total agricultural indebtedness of India was 600 crores, out of which sum about 60 crores was owed in the Punjab alone. It may be mentioned that the compound interest system and the abuses connected with money lending were almost the sole cause of the increase. The Banking Inquiry Committee in 1930 registered a further increase of 52 crores in the debt in a period of approximately five years. Prices of agricultural produce had also fallen to about one-third of what they were in 1925, which made the increase all the more serious.

The Royal Commission on Labour in India has devoted in its Report one full chapter to the question of indebtedness in the country. They say in their Report, on page 224, that :

" Among the causes responsible for the low standard of living of the worker, indebtedness must be given high place. Here, as elsewhere, we are confronted with an absence of reliable statistics, but there is general agreement as to the main fact, and we are satisfied that the majority of industrial workers are in debt for the greater part of their working lives. Many indeed are born in debt and it evokes both admiration and regret to find how commonly a son assumes responsibility for his father's debt, an obligation which rests on religious and social but seldom on legal sanctions."

[Sir Muhammad Yakub.]

Further they say :

" It is estimated that in most industrial centres the proportion of families or individuals who are in debt is not less than two-thirds of the whole."

They then proceed on to say :

" A debt of even one quarter of a year's wages is a heavy burden particularly to a man whose income is little more than sufficient for bare necessities. But the burden is aggravated out of all proportion by the rate of interest which has to be paid. A common rate is ' one anna in the rupee ', i.e., one anna per month on every rupee borrowed and this was a rate frequently cited to us in our tours. This is 75 per cent. per annum, without allowing for the effect of compound interest."

They then say :

" The Bombay working class Banking Inquiry of 1921-23 gave the usual rate of interest as one anna in the rupee per mensem ; a recent inquiry which was much more limited in scope states, ' While in a few cases no interest had to be paid on the money borrowed, at least in one case the rate of interest was as high as 150 per cent. In 29 per cent. of the cases the rate of interest varied from 72 to 78 per cent. and in 19 per cent. of the cases it varied from 24 to 30 per cent. ! This relates to families ; of 49 single persons in debt, the Report observes, ' The most usual rate of interest is from 18 to 30 per cent., although in fourteen cases it was as high as 75 per cent. ' The enquiries made for us into the standard of living in the U. P. gives 75 per cent. as commonest rate at Cawnpore, the next commonest rate being 37.5 per cent. In Lucknow and Gorakhpore, the higher rate is exceptional ; this appears to be due in part to a number of the workers being members of co-operative societies. The inquiry made for us into the standard of living of jute mill workers in Bengal gives the average of interest as at 78 per cent. The report on this inquiry and the evidence given to the Bengal Banking Inquiry Committee by the Indian Jute Mill Association both mention as the highest rate 325 per cent. annually (one anna in the rupee weekly) on small sums. Rates in the Punjab appear to be much lower, but particulars are not available to distinguish loans from money-lenders from those of the co-operative societies, and here, as in other places, low rates seem to be associated with repayment by monthly instalments. The inquiry made into the standard of living on the South Indian States shows ' More than 80 per cent. of the loans are obtained from the money-lenders whose usual rate of interest ranges from one anna in the rupee or 75 per cent. to two annas in the rupee or 150 per cent. ' "

There can be no doubt that the money lender in India owes his present position to the British Government. During the early days of their administration, the East India Company protected the European British subjects in India by enacting the Regulation Act of 1774 which fixed the maximum rate of interest at 12 per cent. per annum. In course of time similar Regulations were passed for Bengal, Madras, and Bombay Presidencies and this continued to be the legal rate of interest until the Usury Law Repeal Act 28 of 1855 was passed. As far back as 1852 Mr. Wingate Revenue Commissioner, Punjab, in his report about agriculture in that province remarked that the power which the money lenders wielded in that province was greater than was possessed by them in the Indian States, and that this power was due to the laws made by the British Government, according to which a debtor could obtain a decree according to the terms of the contract and had the power to execute his decree by attachment and sale of all the moveable and immoveable property of the debtor. During the reign of our predecessors, namely, the Mahrattas, says Mr. Wingate, the creditors power to realise his debt by assistance of the court of law was almost nil.

The Usury Laws Repeal Act removed all restrictions on the rate of interest and required the courts to award interest at the rate agreed upon between the parties. The result was that the courts had to award interest at the stipulated rates, however exorbitant the demand and however unconscionable the bargain. The mischief which then arose ruined many

prosperous families in a few years time and decrees for fabulous amounts were passed by the civil courts in India, although the principle amount was very small and trifling. A feeble effort was made on the part of the Government to give the court some discretionary power, and section 16 of the Contract Act was amended by adding section 19. This attempt having failed to give any relief to any debtor, another attempt was made by passing Usurious Loans Act of 1918. This Act enables the court to grant relief to borrowers in cases where (a) the rate of interest is excessive, (b) the transaction sued upon is substantially unfair. This measure has also failed to afford any substantial relief to the debtor and the Act has remained practically a dead letter. The expressions "excessive" and "substantially unfair" are so vague and indefinite that it is left to the sweet will of the court to exercise the power contained in the Act.

In 1922 Khan Sahib Moulvi Abdul Qadir tried to move in this Assembly a Bill to amend the Interest Act of 1839, but it was opposed by the Government at the very first stage and the motion to move the Bill was negatived. In 1923 the same Honourable Member again sought leave of the House to introduce the same Bill but on the assurance given by the Government, that Government would cause inquiry to be made into the grievances, the Honourable Member was persuaded to withdraw his motion. But the assurance which was solemnly given by the Government on the floor of this House produced no result. In 1927 I made an attempt to renew the same Bill, but it also received the same fate. The conditions are now quite different from what they were in those days and the situation in the country has become extremely grave and critical. I have abstained from moving any other Bill to control the unrestricted money lending system in India, nor have I suggested any definite methods in my Resolution to stop the evil, but I leave the matter entirely in the hands of the Government and wish to give them a free choice in adopting the measures which they consider reasonable and proper to meet the contingencies of the situation.

When Rome was faced with a similar problem, though on a much smaller scale, a solution was sought in a cancellation of debt. The State took courage in both its hands and did the thing. Remission of land revenue only is not what is required, but rather the steps that were followed in Rome. If the welfare of the cultivator, the labourer as well as landholder is desired, let all patriotic citizens and the Government of India and the Provincial Governments consider seriously the question of debt relief reform. With these observations, I commend my Resolution to the House.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : I shall not follow the good example of my Honourable friend from Moradabad, whom I take this earliest opportunity of congratulating on his knighthood, by reading out a long speech. I am rather disappointed that he should have brought forward a Resolution of this kind in these hard days when money is very difficult to get. Money lenders, if he had only tried to borrow, would have refused him altogether. My friend the Raja of Kollengode and my friend Mr. Thampan, who are big zamindars from South India, will be able to tell you how difficult they find it to sell the raw produce of their estates. My friend the Raja of Kollengode cannot even sell his elephants, I am told. The hills in his estate abound in wild elephants. At such a time as this when we are faced with

[Mr. C. S. Ranga Iyer.]

a financial crisis the Honourable Member for Moradabad is bringing forward a Resolution calling upon the Government to put some difficulties in the way of the money lenders. I think, Sir, if he had moved his Resolution a year ago, or if he were to move his Resolution two years hence, when I suppose the monetary conditions in this country will have improved, he might get a little more sympathy in this House and perhaps practical support from the Government. Incidentally I may tell him that the money lenders are a very useful institution. There are among the money lenders all the world over Shylocks for whom no one could have any sympathy. There are also among them some very good people. If you were to read that fascinating book of Mr. Winston Churchill, "My Early Life", where he speaks about his life in Bangalore, you will find how he found the money lenders to be extremely useful when the remittance from his father, the late Lord Randolph Churchill, did not reach him in time. Sir, every one of us from our experience will say that the men who lend money are not after all so bad as some people are sometimes willing to brand them; and if you go to the villages, the people there will tell you that their present difficulty is to get money at all. I am not a money lender myself, though some of my relations at any rate do some banking work in the south, but apart from that I know from the life of the villagers that they find it awfully difficult to get money from money lenders; and if my Honourable friend, Mr. Rajaram Pandian, were asked to stand up in this House and make a speech, he would be able to tell you why his numerous relations in the south refuse to lend money today, whatever the rate of interest promised. In these circumstances, Sir, I am afraid we are proposing to give my Honourable friend, notwithstanding our sympathy with his Resolution, cold shoulder should he decide to press it to a division.

Dr. F. X. DeSouza (Nominated Non-Official) : Sir, I am surprised to hear that my Honourable friend, Mr. Ranga Iyer, states that the time is not opportune for bringing a motion of this kind up for the consideration of this House. To me it seems, Sir, that this is eminently a time when a motion of this kind should be discussed by this House, as it is a time when the distress among the agricultural classes is very very great indeed. (Hear, hear.) Sir, the catastrophic fall in the price of food grains has brought them to the verge of ruin; they are prepared to borrow money on any terms, they are hard put to it to keep body and soul together, and so they have to go to the money lender. Is this the time for us to say to the borrower, "You want money from the money lender. Let him give it to you on whatever terms he demands; the future will take care of itself"? Or is this not the time when this House should do all that it can to safeguard the interests of the impoverished cultivator? The Honourable the Mover of this Resolution after giving a very elaborate and extremely interesting account of the indebtedness of the agriculturists in this country—an account with which the House is very familiar because two or three days ago a similar motion was debated in this House—did not suggest any particular legislation, nor did he propose any particular remedy but he left the matter entirely in the hands of Government to take such measures as the Government thought fit. Well, I do not know what the attitude of the Government is in this matter, but I venture to think, most respectfully, that what we want is not fresh legislation but that the legislation already on the Statute-book should be given effect to, and that the recommendations made by the

several Royal Commissions and Committees appointed by the Home Government and the Government of India should be given effect to. The Honourable the Mover stated that the existing piece of legislation, *e.g.*, the Usurious Loans Act (Act X of 1918, as amended by Act XXVIII of 1926), has been found perfectly useless. But may I tell him from my long experience in the administration of civil justice both as an original as well as an appellate court that I have never once across a case where the provisions of the Act have been availed of. Sir, there is no doubt that it is an extremely useful Act for the purpose of relieving the indebtedness of the cultivator and of relieving him from the consequences of a bad bargain. The Royal Commission on Agriculture which investigated this question made the following remarks at page 439 of their Report :

“ The evidence we received as regards the Usurious Loans Act showed conclusively that the Act is practically a dead letter in all provinces, but as we heard no evidence from civil Judges we are not in a position to offer any opinion as to the reasons why so little use has been made of its provisions. We therefore recommend that in every province an inquiry should be made into the causes of the failure to utilize the Act, that adequate steps should be taken to ensure its application in the future, and that a special detailed report on its working should be included in the annual reports on the administration of civil justice. We consider that our recommendations under this head are warranted by the potential importance of the Act. If its provisions were fully utilised, this would go far to relieve the country of some of the worst evils of uncontrolled usury and would facilitate remedial action by Co-operative Societies.”

If, then, Sir, the potentialities of this Act are so great, instead of pressing for fresh legislation, may I ask whether it is not the duty of the lawyers of very great eminence like the Honourable the Mover and those who devil for them to take up the case of agricultural debtors who are too poor to pay for their services ? Judges find it very difficult to go into the merits of cases which are not argued before them ; may I suggest that my Honourable friend and others similarly situated should take up cases of indebtedness of agriculturists holding pauper briefs for them so that the debtor may get full advantage of the Usurious Loans Act ?

Mian Muhammad Shah Nawaz (West Central Punjab : Muham-hadan) : In the face of the Privy Council ruling ?

Dr. F. X. DeSouza : Sir, there is another very important recommendation which has been made to the Government by a Committee known as the Civil Justice Committee on which I had the honour to serve under the presidency of Sir George Rankin, now Chief Justice of Bengal. The Committee went throughout the length and breadth of India and Burma ; we explored whatever avenue there was for the relief of agricultural indebtedness, and we came to the conclusion that the main cause of debt in this country was the hereditary nature of the debt. In other countries, Sir, on the death of a person, the debts of the deceased are not transmitted to his heirs in their entirety because the law is that only such debts as are covered by the estate of the deceased are transmitted to the heirs and the rest are irrecoverable ; but in this country, owing probably to the idea that a son is bound by the debts of his father unless they are immoral or for any other special reason, the debts are virtually hereditary, and the result is that they go on accumulating at compound interest and there is absolutely no salvation for an agricultural debtor who has once got into the clutches of the money lender. We proposed, Sir, in Chapter XIV of our Report that this question should be very soon taken in hand ; and in order to clear this load of accumulated debt, we recommended that the law as to insolvency should be modified as the Provincial Insolvency Act was adapted for the relief of the mercantile and not of the agriculturist classes and some

[Dr. F. X. DeSouza.]

legislation should be taken in hand to serve as an effective rural Insolvency Act. But, Sir, I am sorry to say that on that recommendation too nothing has been done, and I believe our Report lies upon the shelves of one of the Departments of the Secretariat of the Government of India. Only this morning the Report of the Banking Inquiry Committee has been published. I have not had access to the Report itself, but I find from the papers that more than half of the Report of that Committee is devoted to the solution of the problem of agricultural indebtedness. That Committee does not recommend any fresh legislation ; but it draws attention of the Government of India to the several recommendations made by previous Commissions and adds a large number of recommendations of its own. Among others it recommends, on the lines of the Report of the Civil Justice Committee, that Boards of Conciliation should be appointed for the purpose of bringing about an understanding between the agriculturist debtor and the creditor, and also that the Usurious Loans Act, which I have just discussed, should be more freely applied. I only hope that the recommendations of this Committee also will not be shelved by the Government of India like those of so many other committees. I venture to think that the Government of India are obsessed by two considerations. They are obsessed by the idea of the sanctity of contracts ; and secondly, they are obsessed by the idea to which Mr. Ranga Iyer has just given expression, *viz.*, that there will be difficulties in obtaining credit if restrictions on free money lending on the creditor's own terms are imposed.

As regards contracts between creditor and debtor which the Government of India consider so sacrosanct, taking what I may call a Chancery Lane view of the law, may I remind the Government of India that even Chancery Lane itself has recently relented ? If Chancery Lane has relented, Simla should not remain adamant. We all know that the British Parliament passed in the year 1900 an Act that is known as the Money Lenders' Act, which strikes at the very root of the sanctity of contracts because it enables the court to go behind the bond, and if it is an unconscionable document, it enables the court to fix a rate of interest different from the interest agreed upon between the parties. Nay, more ; the British Parliament has gone even further. To the English lawyer a restraint upon trade is an abomination. But the British Parliament has sanctioned a measure of restraint of trade with regard to money lenders because we see that in the most recent Act of the British Legislature, namely, the Money Lenders' Act of 1927, Parliament has directed that no man should be able to carry on the trade of a money lender unless and until he obtains a licence ; and besides obtaining a licence he is obliged to keep a register of the amount advanced and the rate of interest accruing from time to time, and he is obliged by law to give a receipt to the debtor whenever called upon to do so. Sir, I make all these observations with a view to show, not that fresh legislation is necessary, but that the legislation already in force and the recommendations of committees already submitted to the Government of India should be carried out. It is useless to dwell upon the appalling nature of the problem or upon the menace which this state of things discloses. It is not only that the agriculturist classes forming eighty per cent. of the population are threatened with ruin but there is a menace to the stability of the social order and the safety of the Government. Therefore with all the earnestness, of which I am capable, I beseech the Government to take up the solution of this problem with the least possible delay.

Mr. G. Morgan (Bengal : European) : Sir, while having every sympathy with the Resolution brought forward by my Honourable friend, I very much doubt whether the objects, that he desires, would be obtained by this Resolution. My Honourable friend, Mr. Ranga Iyer, stated the position correctly when he said that the rate of interest is not the only thing that influences money lenders. You cannot force a money lender to advance you money, and even if the Government of India were to pass legislation laying down that no money lender can charge more than 5 per cent., I do not think anybody, even the Members of this Honourable House, would be able to get any money at the present moment. We all know of the indebtedness in this country ; that need not be laboured. Every Honourable Member of this House knows that intimately. A mere fixing of the rate of interest will not get over the difficulty. My Honourable friend, Sir Muhammad Yakub, will not attain his object by merely reducing the rate of interest.

Sir Muhammad Yakub : I never suggested that.

Mr. G. Morgan : I took the Resolution to mean that, though I may have been wrong. But I would draw the attention of Honourable Members to the Whitley Report at page 230 and onwards where it goes into the question of a new Act to relieve the situation arising from this terrible indebtedness. I am not going to worry the House by reading out extracts except one. That Report says at the bottom of page 230 :

“ In our view the evils associated with the practice are so serious that the possibility of even a substantial amount of evasion should not deter the legislature from enacting measures which would strengthen to an appreciable extent the forces operating in favour of the freedom of the worker.”

I refer Honourable Members to these pages of the Whitley Report which give the whole idea of what the new Act should be. I am perfectly certain that the Government of India will study this part of the Report of the Whitley Commission as soon as they possibly can, and bring in legislation on the lines recommended in that Report. I would ask my Honourable friend the Mover—unless I am wrong in my interpretation of the Resolution—not to press the Resolution but to impress upon Government the necessity of legislation at as early an opportunity as possible on the lines recommended by the Labour Commission.

The Honourable Sir James Crerar (Home Member) : Mr. President, at this late hour, the House will, I am sure, neither expect nor desire that I should endeavour to traverse at any great length a field which is of almost illimitable extent, and which has on many previous occasions been the subject of prolonged examination and debate in this House. I should like however to say at the outset of the few remarks I have to make that I have personally no grievance at all against my Honourable and learned friend, Maulvi Sir Muhammad Yakub, in having brought this Resolution before the House. It is perfectly true, as one speaker observed, that though the general question underlying this Resolution has very frequently engaged our attention, the distress among the agrarian population, due to the grave fall in the prices of food-stuffs, has so complicated and accentuated the trouble, that no one requires any excuse for pressing it prominently upon the notice of the Legislature and the Government. I admit also that the evil to which the Resolution refers is one by no means confined to the

[Sir James Crerar.]

agricultural classes, though doubtless it is in that field that the evil is most widespread. As the Honourable the Mover has himself pointed out, the industrial classes of India are also victims of this evil.

Now, my Honourable and learned friend from Bombay in his very thoughtful and useful speech pressed very strongly upon the attention of the House and the Honourable the Mover the question whether, in the immediate needs of the position after an examination of the potentialities of the expedients of the law already on the Statute-book, there was any necessity for new legislation. He pointed out, and he did so on the basis of very wide experience as a Judge, that the potentialities of the Usurious Loans Act had not been exploited to anything like the extent that was possible. I have no doubt that that is a fact, and that statement is repeated after very full inquiry, in the Report of the Royal Commission on Agriculture. What precisely the reason is, I confess, I do not entirely know. But when the Honourable Member from Bombay on a somewhat critical note appeared to incline to impute it to some, I will not say malfeasance, but perhaps some misfeasance, on the part of the Government of India, I did not think that he was right. Because after all the most important contribution that the Central Government can make to problems of this kind is to induce the Legislature to enact legislation; and it was the Honourable Member's own point that there was legislation on the Statute-book already which if it were effectively used by members of that distinguished profession, which he himself greatly adorned, and by that other branch of the profession of which the Honourable the Mover himself is a conspicuous ornament, much that is now in default might be remedied. At any rate I think that it is on those lines that the question can in the first instance probably most fruitfully be attacked. The Honourable the Mover and other Honourable Members who support his general point of view will I have not doubt, recognise that from the administrative point of view probably nine-tenths of the problem must necessarily be dealt with and discharged as an administrative problem by the Local Government who are primarily concerned, and therefore I think the Honourable the Mover will not expect a literal compliance with his Resolution, which asks the Government of India for an undertaking to embark upon immediate legislation. I think he will be less inclined to insist on the demand because, as more than one speaker has pointed out, he did not himself endeavour to make any definite and constructive suggestions, or however narrow lines, as to the particular directions in which he thought that the law ought to be amended. I do not, however, desire to proceed either in a defensive or critical vein. I desire to assure the Honourable the Mover that the purpose which he has in mind in moving this Resolution is one with which the Government of India have the greatest sympathy, and I think that the time is now opportune when further inquiries might be set on foot. I am perfectly prepared to address Local Governments in the light of this debate and ask them, in the first instance for a report upon the working of the Usurious Loans Act; and if it is found that that Act has not been employed in the manner and to the extent to which it was intended to employ it and in which it can be employed, we shall ask them to endeavour to discover the reasons. It may be that instructions by the various High Courts to courts subordinate to them might be of considerable effect in this direction. I shall also ask Local Governments to consider whether any amendment—I will recall to the recollection of the House that as recently as 1926 this Act was amended—nevertheless I shall

ask Local Governments to consider whether any amendment of the Act could usefully be made, and finally whether any other remedies can be evolved. With this assurance I trust that the Honourable the Mover will not consider it necessary to press his motion to a division.

An Honourable Member : I move that the question be now put. (Some Honourable Members got up to speak.)

Mr. President : As there are more speakers desirous of addressing the House, I will adjourn the House to 11 o'clock on Monday morning.

The Assembly then adjourned till Eleven of the Clock on Monday, the 21st September, 1931.

LEGISLATIVE ASSEMBLY.

Monday, 21st September, 1931.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN.

Rao Bahadur B. L. Patil, M.L.A. (Bombay Southern Division : Non-Muhammadan Rural).

QUESTIONS AND ANSWERS.

COMMUNAL CONSIDERATIONS IN RETRENCHMENT OF STAFF IN GOVERNMENT DEPARTMENTS.

543. ***Mr. Jagan Nath Aggarwal** (on behalf of Lala Hari Raj Swarup) : (a) Are Government aware that there is a great resentment amongst certain communities on account of the policy of Government of turning out permanent servants belonging to certain communities in preference to temporary employees of other communities ?

(b) Will Government be pleased to state clearly its policy in regard to communal considerations on retrenchment of staff and also lay on the table a copy of the instructions issued to various Departments in this behalf ?

The Honourable Sir James Crerar : (a) The reply is in the negative.

(b) In regard to services under the control of the Government of India, certain principles have been laid down for observance where it is necessary to carry out retrenchment of personnel. One of these principles is that in each category of service which comes under retrenchment in a particular office or branch of an office the ratio between the various communities represented by their present numbers in the category should be maintained to the nearest practicable figure. Another is that the above principle shall apply both to permanent and temporary staff, but separately to each. I regret that the orders cannot be laid on the table, as they are departmental orders ; but I shall be glad to furnish any further information which the Honourable Member may desire, provided it is not of a confidential nature.

REPORTS OF RETRENCHMENT COMMITTEES.

544. ***Mr. Jagan Nath Aggarwal** (on behalf of Lala Hari Raj Swarup) : (a) When do Government expect that the various retrenchment committees will submit their reports ?

(b) When do Government expect the reports to come up before the Assembly ?

The Honourable Sir George Schuster : I would refer the Honourable Member to the reply given to part (b) of Mr. Gaya Prasad Singh's question No. 329 on the 15th instant.

Mr. Gaya Prasad Singh : May I know, Sir, whether the Report of the Retrenchment Committee will be laid before the Assembly and an opportunity given to the Members to express their opinions before action is taken thereon by the Government ?

The Honourable Sir George Schuster : I would ask the Honourable Member not to press me on that point this morning. I am fully alive, Sir, to the views held by a number of Honourable Members on this question, and I can assure them that we are giving it the fullest consideration, and we are anxious to meet their wishes.

Mr. Gaya Prasad Singh : Thank you.

REVENUE REALISED BY THE GOVERNMENT OF INDIA.

545. ***Mr. Jagan Nath Aggarwal** (on behalf of Lala Hari Raj Swarup) : (a) How have the finances of the Government of India progressed during the five months of the year that have passed ?

(b) Do their incomes under various heads come up to the estimated amounts ? If not, how much deficit do Government expect under the various heads ?

The Honourable Sir George Schuster : (a) and (b). The progress of actuals up to date indicates that the budget expectations, particularly as regards Customs, will not be realised. I will refrain from giving at this stage figures which would purport to be an exact estimate of the receipts under the various heads.

COST OF THE LEE COMMISSION'S RECOMMENDATIONS IN THE CENTRAL GOVERNMENT AND THE PROVINCES.

546. ***Mr. Jagan Nath Aggarwal** (on behalf of Lala Hari Raj Swarup) : (a) Will Government be pleased to state the total amount of money payable yearly as a result of the Lee Commission's recommendations in :

(a) the Central Government, and

(b) the Provinces ?

The Honourable Sir George Schuster : Information is being collected.

INTRODUCTION OF COMPULSORY PRIMARY EDUCATION IN AJMER-MERWARA.

547. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Mr. Muhammad Anwar-ul-Azim) : With reference to starred question No. 999 asked in this House on the 18th March, 1931, by Rai Sahib Harbilas Sarda (regarding introduction of compulsory primary education in Ajmer-Merwara) and the reply given thereto, will Government please now state the action, if any, taken by them on the report of the Primary Education Committee ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Government of India have examined the report of the Primary Education Committee and the various recommendations made therein. They recognise, with regret, that until the financial situation improves it is not possible to give effect to such recommendations of the Committee as involve additional expenditure. They see no reason, however, why proposals of reorganisation which do not involve such expenditure should

not be examined and adopted. With these remarks the report has been commended to the Local Administrations concerned, which have also been asked to study carefully the facts and figures which the Committee collected, and the opinions which they formulated, with a view to their submitting schemes for putting into effect, as soon as the financial position improves, recommendations on which action has now necessarily been postponed. The Local Administrations have been further informed that the Educational Commissioner with the Government of India, who was Chairman of the Committee, will be glad to give them any assistance that he can in their examination of the report.

HYDRO-ELECTRIC INSTALLATIONS IN BRITISH INDIA.

548. ***Mr. Bhuput Singh** : Will Government be pleased to state :

- (a) the names of the places where there are hydro-electric installations in British India ;
- (b) whether all the hydro-electric installations in British India are financed by and are under the direct control of the Central Government ;
- (c) whether the hydro-electric scheme at the Pykara Falls in the Nilgiris has been financed by them and is under their direct control and management ;
- (d) whether facilities for learning practical work are afforded to non-provincial engineering students from recognised colleges outside the province under that scheme ; and
- (e) whether Bihari, Punjabi and Bengali qualified electrical engineers will be acceptable for service in that scheme on the same terms as equally qualified Madrasi engineers ?

Mr. J. A. Shillidy : Government are not in a position to give the information asked for under (a), (d) and (e) as the replies to (b) and (c) are in the negative.

PROSCRIPTION OF A BOOK ENTITLED "THE CASE FOR INDIA" BY DR. WILL DURANT.

549. ***Mr. Bhuput Singh** : Will Government be pleased to state :

- (a) whether the book entitled "*The Case for India*" by Doctor Will Durant of the U. S. A. has been proscribed either by the Central Government or by any Provincial Government ;
- (b) if so, the particular Gazette or Gazettes in which such notice of proscription on behalf of the Central Government or the Provincial Government appeared ;
- (c) whether they are prepared to lay a copy of the book on the library table for the perusal of the Honourable Members ;
- (d) whether they are aware that copies of the book could be bought in the book-shops in Bombay in April and May last ; and
- (e) whether it has been brought to their knowledge that some people who ordered that book from America direct did not get its delivery from the Indian Post Offices although advice

of its despatch had duly arrived to them from book-sellers abroad ?

The Honourable Sir James Orerar : (a) and (b). The book entitled "*The Case for India*" has not been proscribed as such but, as it contains substantial reproductions of the matter contained in the book entitled "*India in Bondage*", it falls within the scope of the Government of India, Finance Department Notification No. 26, dated the 12th July, 1930, published in the Gazette of India of that date.

(c) The facts being as stated above, I regret that I am unable to comply with the Honourable Member's request.

(d) and (e). I have no information.

FACILITIES FOR INDIAN STUDENTS JOINING UNIVERSITIES IN ENGLAND.

550. ***Mr. Bhuput Sing :** Will Government be pleased to state :

(a) whether their attention has been drawn to the complaints made by Mr. J. C. Chaudhury in the Senate meeting of the Calcutta University held on the 15th August, 1931, regarding the High Commissioner who has just vacated that office and his agents putting obstructions in the way of and creating no facilities for Indian students going to England to join the Universities there ;

(b) whether their attention has also been drawn to what Dr. S. N. Das Gupta, Principal, Sanskrit College, Calcutta, said on that occasion in support of Mr. Chaudhury's allegations ;

(c) whether they are prepared to cause an inquiry to be made on the subject matter of the complaint and let the Honourable Members know the result thereof at an early date ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). Government have seen newspaper reports on the subject.

(c) The matter will be considered on receipt of a copy of the minutes of the Senate meeting, which have been called for.

APPOINTMENT OF INDIANS AS MANAGERS OF MILITARY DAIRY FARMS.

551. ***Nawab Naharsingji Ishwarsingji :** (a) Will Government be pleased to state :

(i) how many military dairy farms are there in India ;

(ii) out of these how many dairy farms are managed with Indians as Managers ;

(iii) if the number is small what is the reason for it ;

(iv) whether Government do not get qualified Indians to take up that post ;

(v) if so, whether Government are prepared to take up qualified hands if obtainable ; and

(vi) what is the highest qualification required for a Manager's post ?

(b) Are Government prepared to reserve 25 per cent. of the posts referred to in part (a) (i) for Indians ?

Mr. G. M. Young : (a) (i) 27 dairy farms, 12 branch dairies, 5 young stock farms, 3 branch young stock farms and 2 creameries.

(ii) 10 dairy farms, 11 branch dairy farms, and all young stock farms, branch young stock farms and creameries.

(iii) If all kinds of dairy farms are included, the number is not small.

(iv) Indian Managers are not recruited direct. They are generally taken in the grade of "Apprentices" and are trained in Government dairies. Those who pass the prescribed examinations and are found suitable are promoted to Managers.

(v) Does not arise.

(vi) No academical qualification is required.

(b) 63 per cent. of the posts are already held by Indians.

APPOINTMENT OF SIKHS AS HEAD CLERKS ON THE NORTH WESTERN RAILWAY.

552. *Sardar Sant Singh : Will Government kindly state the total number of posts of Head Clerks and Sub-Heads on the North Western Railway ? How many of these posts are held by the Sikhs ? How many of the Sikhs are permanent and how many officiating ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to reply to questions Nos. 552, 553 and 558 together. The available information is given in the North Western Railway Classified List of subordinate staff, a copy of which is in the Library.

Sardar Sant Singh : Will the Honourable Member kindly place a copy on the table ?

Mr. A. A. L. Parsons : It is a voluminous document, and I don't think it would be desirable to print it along with the records of the House.

APPOINTMENT OF SIKHS AS TRAFFIC INSPECTORS, ETC., ON THE NORTH WESTERN RAILWAY.

†553. *Sardar Sant Singh : Will Government kindly state the total number of Traffic Inspectors, Claims Inspectors, Commercial Supervisors on the North Western Railway ? How many of these posts are held by Sikhs in each cadre ?

APPOINTMENT OF SIKHS IN THE ACCOUNTS DEPARTMENT OF THE NORTH WESTERN RAILWAY.

554. *Sardar Sant Singh : (a) Will Government kindly state the total number of the Assistant Superintendents (Senior Sub-Heads) and Sub-Heads in the Accounts Department of the North Western Railway in all its branches. *viz.*, General Traffic, Stores, Workshops and Constructions ?

(b) How many of these appointments are held by Sikhs in each branch ? How many Sikhs are permanent and how many are officiating in each branch ?

†For answer to this question, see answer to question No. 552.

Mr. A. A. L. Parsons : With your permission, Sir, I shall answer questions Nos. 554, 555 and 556 together. For reasons which I have before explained in this House, Government regret they are not prepared to give figures showing the composition by communities of the staff of individual railway offices.

APPOINTMENT OF SIKHS IN THE ACCOUNTS DEPARTMENT OF THE NORTH WESTERN RAILWAY.

†555. ***Sardar Sant Singh :** Will Government kindly state the number of posts in all the three grades of clerical establishment of the Accounts Department of the North Western Railway in all its branches and the number of appointments held by the Sikhs in each ?

APPOINTMENT OF SIKHS IN THE CLEARING ACCOUNTS OFFICE.

†556. ***Sardar Sant Singh :** Will Government kindly state the total number of posts filled up by the recruitments from the Punjab from 16th November, 1925 to 31st December, 1928, in the Clearing Accounts Scheme ? How many of these new recruits were confirmed in Classes 1, 2, 3 and Office Boys ? How many of them were promoted to the posts of Sub-Headship ? What was the number of Sikhs ? How many Sikhs were confirmed for each Class ? How many of them were promoted to the post of Sub-Headship ?

APPOINTMENT OF SIKHS AS STAFF AND ASSISTANT STAFF WARDENS ON THE NORTH WESTERN RAILWAY.

557. ***Sardar Sant Singh :** (a) Will Government kindly state the total number of posts of Staff and Assistant Staff Wardens in the North Western Railway and how many of these posts are held by Sikhs in permanent and also in officiating capacity ? What is the number held by other communities ?

(b) Is it a fact that the posts of Staff and Assistant Staff Wardens were created with a view to watch the interests of the staff ? Is it a fact that no Sikh has been appointed so far ? Who watches the interests of the Sikhs in these days of retrenchment ? Are Government aware that all communities are making efforts to watch their respective interests ? Do Government propose to appoint immediately a Sikh to watch the interests of his community ?

Mr. A. A. L. Parsons : (a) The available information is given in the North Western Railway Classified List of subordinate staff, a copy of which is in the Library.

(b) The reply to the first part is in the affirmative. Government have no information with regard to the second part. With regard to the remainder of the question, staff officers and wardens are required as a part of their duties to watch the legitimate interests of all railway employees, irrespective of race or community, and Government do not propose to appoint immediately a Sikh specially to watch the interests of his community.

†For answer to this question, see answer to question No. 554.

APPOINTMENT OF SIKHS AS CONTROLLERS ON THE NORTH WESTERN RAILWAY.

†558. ***Sardar Sant Singh** : Will Government kindly state the total number of Controllers on the North Western Railway ? How many posts are held by Sikhs in this cadre ?

APPOINTMENT OF SIKHS ON THE NORTH WESTERN RAILWAY.

559. ***Sardar Sant Singh** : Is it a fact that Muhammadans form a majority community in the Punjab and the Sikhs are a minority community ? Are Government prepared to instruct the North Western Railway authorities to treat the Sikhs as a minority community in all its appointments and promotions and the Muhammadans as a majority community on the North Western Railway ?

Mr. A. A. L. Parsons : The Honourable Member's attention is invited to my reply on the 11th September to his question No. 219.

CLERKS TRAINED AT THE TRAINING SCHOOL FOR ACCOUNTANTS AT CALCUTTA.

560. ***Sardar Sant Singh** : (a) Will Government kindly state how many clerks were sent for training to the Training School for Accountants at Calcutta in 1928, and 1929 ? How many of them were permanent, how many temporary, and how many were newly recruited ?

(b) Is it a fact that the lien of the temporary clerks so deputed was kept in the various offices under the special instructions of the Railway Board (*vide* their letter No. 5217-F., dated 7th August, 1928. Extract of para. 12, Auditor General's Note) ?

(c) Is it a fact that with the exception of new recruits all clerks, whether temporary or permanent, were given the same post for which they were drawn from their respective offices ?

Mr. A. A. L. Parsons : (a) 18 permanent, 33 temporary and 8 outsiders were sent in 1928 and the examination was held in 1929.

(b) and (c). Under the rules temporary clerks can retain no lien on any posts, but temporary men on return from the Training School were re-appointed to the temporary posts which they held before they went to Calcutta. Permanent clerks, of course, retained a lien on their posts and returned to them.

RETRENCHMENT OF A SIKH FROM THE AGENT'S OFFICE, NORTH WESTERN RAILWAY.

561. ***Sardar Sant Singh** : (a) Is it a fact that in the compilation of the Agent's office on the North Western Railway there are 135 posts out of which only 5 are held by the Sikhs ?

(b) Is it a fact that out of those 5 Sikh incumbents, one has been brought under reduction on the score of juniority ?

(c) Is it a fact that 3 days later a Muhammadan was to be brought under reduction on the score of juniority when he was retained on the ground that he belonged to a minority community ?

(d) Is it a fact that the said Sikh clerk made representations of his belonging to a minority community, which were ignored ; while in the case of a Muhammadan the same ground was upheld ?

†For answer to this question, see answer to question No. 552.

Mr. A. A. L. Parsons : (a) The available information is given in the North Western Railway Classified List of subordinate staff, a copy of which is in the Library.

(b), (c) and (d). Government have no information. I regret that I cannot undertake to give information as to the effect of reductions in individual offices.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say whether it will be very difficult for the Honourable Member to take out an extract from these big books and lay it on the table ?

Mr. A. A. L. Parsons : Yes, Sir. (Laughter.)

PROTECTION OF SIKH INTERESTS ON THE NORTH WESTERN RAILWAY.

562. *Sardar Sant Singh : Will Government kindly state if it is a fact that on the North Western Railway most of the Sikh employees were taken after 1928 and hence they are junior in service ? If so, do Government propose to take steps to protect Sikh interests in the coming reductions ?

Mr. A. A. L. Parsons : As regards the first part, Government have no information. As regards the second part, Government have already issued instructions that all practical steps should be taken to see that the unfortunate necessity for reducing staff does not operate to the detriment of communities not adequately represented in railway services.

I should like to add that we watch these figures very carefully in the Railway Board, and the last figures that we have got show that the proportion of Sikhs on the North Western Railway remains exactly the same after retrenchment as before.

RETRENCHMENT OF A SIKH FROM THE TRAFFIC ACCOUNTS BRANCH OF THE NORTH WESTERN RAILWAY

563. *Sardar Sant Singh : Is it a fact that Bawa Gian Singh, a clerk in the Traffic Accounts Branch on the North Western Railway, was senior to six persons of his office ? Is it a fact that he has been brought under reduction while his juniors in service have been retained ? If so, why ?

Mr. A. A. L. Parsons : Government have no information.

Sardar Sant Singh : Will the Honourable Member be kind enough to try and verify the facts mentioned in this question ?

Mr. A. A. L. Parsons : I would ask the Honourable Member to excuse me. If I undertook to supply information in the case of all individuals who have been brought under retrenchment, the amount of work that would be thrown on my own office as well as on that of the Railway would be almost intolerable. If any individual has any particular grievance, because he has been retrenched in place of another, he always has the right of appeal.

APPOINTMENT OF SIKHS IN AUDIT AND ACCOUNTS DEPARTMENTS OF THE GOVERNMENT OF INDIA.

564. *Sardar Sant Singh : Is it a fact that in the Audit and Accounts Departments of the Government of India, out of a total strength of 139

gazetted officers in the office of Auditor General in India, only two are Sikhs ? Is it a fact that there is no Sikh in the office occupying the post of Superintendent and Assistant Superintendent in the same office ? Is it a fact that the two Sikhs are mere clerks in the same office ?

The Honourable Sir George Schuster : The information is being collected and will be communicated to the Honourable Member in due course.

APPOINTMENT OF SIKHS IN AUDIT AND ACCOUNTS DEPARTMENTS OF THE GOVERNMENT OF INDIA.

565 *Sardar Sant Singh : (a) Is it a fact that in the Audit Accounts Office of the Government of India out of the total strength of 774 there are only 14 Sikhs ? What is the total amount of salary drawn by all the hands in that office ? What is the total amount of salaries drawn by the Sikhs ? Is it not a fact that the Sikhs are not adequately recruited in this particular office ? If so, what steps do Government intend to take in order to increase the representation of the Sikhs in this particular office ?

(b) Do Government intend to effect retrenchment in this office ? If so, what steps have been taken by Government in order to protect the Sikh interest at the time of retrenchment ?

The Honourable Sir George Schuster : (a) On the supposition that the Honourable Member refers to the Office of the Accountant General, Central Revenues, the information is being collected and will be communicated to the Honourable Member in due course.

(b) Government are now considering the possibility of reducing the strengths of all Audit Offices on the basis of the Report of the Retrenchment Sub-Committee which has been investigating the matter. General orders have already been issued that reductions in staff should be so regulated as to preserve, as far as may be, the proportion existing in each grade between the majority and the sum of minority communities in that grade.

INDIANISATION OF THE COMMERCIAL AND ENGINEERING SUPERIOR SERVICES OF THE NORTH WESTERN RAILWAY.

566. *Sardar Sant Singh : (a) Will Government kindly state the total number of (i) Europeans, (ii) Anglo-Indians in the Commercial and Engineering Superior Services of the North Western Railway in the years 1920 to 1924 ?

(b) What university educational qualifications were prescribed to be essential for direct recruitment to the aforesaid service before 1922 ?

(c) How many Indian graduates, under-graduates and matriculates were thus recruited before 1922 ?

(d) What were the starting pay and the annual increment ?

Mr. A. A. L. Parsons : (a) A statement giving the information for the years 1923 and 1924 is laid on the table. That for earlier years is not readily available.

(b) As a rule candidates were required to possess for appointment to the superior service of the Traffic Department in India, B.A. or B.Sc. degree of an Indian University. Recruitment in the Engineering

Department was made through the Roorkee and Sibpore Engineering Colleges.

(c) During the decade preceding the year 1922-23 Indians were recruited for the superior service in the Traffic Department, almost all of whom were graduates. As I have mentioned, recruits for the Engineering Department were taken from two engineering colleges and not from the Universities.

(d) Selected candidates for the Traffic Department started as probationers on an initial pay of Rs. 200 and the annual increment was Rs. 50 per mensem. In the Engineering Department selected candidates were recruited as apprentices on Rs. 150 per mensem and after a year's training they started on an initial pay of Rs. 300 in the time scale.

Statement showing the number of Europeans and Anglo-Indians in the Traffic and Engineering Departments of the Superior Service on the North Western Railway on the 1st April, 1923 and 1st April, 1924.

	Engineering.		Traffic.	
	1923.	1924.	1923.	1924.
Europeans	78	76	47	44
Anglo-Indians	9	7	1	1

INDIANISATION OF THE COMMERCIAL AND ENGINEERING SUPERIOR SERVICES OF THE NORTH WESTERN RAILWAY.

567. *Sardar Sant Singh : I. Is it a fact that :

- in the response to Indian demand for Indianisation of the Commercial and Engineering Superior Services of the North Western Railway, a new scheme named the Local Traffic Service, etc., on Rs. 150—50—250 and Rs. 30 annual increment was created in or about the year 1922 ;
- university degree qualifications, success in an oral examination by a selection board and two years' training were made necessary for recruitment and confirmation ;
- the salaries of the Anglo-Indian subordinates were much higher than the salaries of the said Indian entrants ;
- these Indian confirmed officers performed the same duties as their colleagues in the Superior Service did ;
- what was the number of Hindus, Muhammadans and Sikhs recruited under the said Local Traffic Services during the period 1922—25 ?

II. Are Government aware that the said anomalous and unsatisfactory condition, etc., of the said Local Traffic Services roused strong protest ?

Mr. A. A. I. Parsons : (i) (a). The Local Traffic and Provincial Engineering Services were introduced in 1921 on a scale of pay of

Rs. 250—20—750. Selected candidates were appointed as apprentices in the first instance for a period of two years in the Traffic and one year in the Engineering Department, and the allowance given to apprentices was Rs. 150 in the first year and Rs. 200 in the second year in the Traffic Department, and Rs. 150 in the Engineering Department. These services were intended to man sub-district charges, and their introduction had nothing to do with the demand for Indianisation.

(b) Candidates with suitable qualifications, academic and professional, were selected by the Railway Board after an interview and had to undergo a two years' training.

(c) Only the minimum of the scales of pay of these services was lower than that of certain grades of upper subordinate staff, whether Indian or Anglo-Indian.

(d) They performed similar duties to those performed by officers in the junior scale of the Superior Service.

(e) 7 Hindus, 4 Muslims, and 1 Sikh.

(ii) It is correct, I think, to say that the services were not popular and they have now been abolished.

INDIANISATION OF THE COMMERCIAL AND ENGINEERING SUPERIOR SERVICES
OF THE NORTH WESTERN RAILWAY.

568. *Sardar Sant Singh : (a) Is it a fact that in order to show that the Local Service Indian Officers of the North Western Railway, were members of the Superior Service, their number was actually shown to the Lee Commission in proof of Indianisation of the Superior Service and that the said Commission has shown it as such in their report ?

(b) Is it a fact that in pursuance of the object referred to in part (a) the annual quota of Indians to the said Superior Services as laid down by the Lee report and accepted by Government was not filled, nor was direct recruitment for the purpose resorted to for about two or three years ?

(c) Is it a fact that Local Traffic Indian Officers were led to believe that they would be drafted into Superior Service on confirmation ; if so, how many of them were in fact so drafted and how many were not ?

(d) How many of the remaining of the said Local Traffic Indian Officers have been promoted to the Superior Service, viz., how many Hindus, Muhammadans and Sikhs, respectively ; and in what years ?

(e) What starting salary on this promotion was fixed and who fixed it ?

Mr. A. A. L. Parsons : (a) The number of officers of the Local Traffic and Provincial Engineering Services was communicated to the Lee Commission, but not as a part of the cadre of the Superior Services.

(b) Recruitment, both in India and from the United Kingdom, was suspended only for the Superior Service of the Transportation (Traffic) and Commercial Departments, as the question of revising the rules of recruitment for those departments was then under consideration.

(c) The answer to the first part is in the negative ; the second part does not arise.

(d) and (e). A statement showing the number of officers of the Local Traffic Service promoted to the Superior Service and the initial pay allowed in each case is being sent to the Honourable Member. The initial pay in each case was fixed by Government.

SALARIES OF LOCAL TRAFFIC SERVICE OFFICERS.

569. *Sardar Sant Singh : (a) Is it a fact that about two years ago, immediately on promotion, the initial salary of two Muhammadan and some Anglo-Indian Local Traffic Officers was fixed at Rs. 450 per mensem ?

(b) Is it a fact that the salary of Hindus and Sikhs promoted along with the former or later on, has not yet been fixed ? Has the Railway Board received any representations on the matter ?

(c) Will Government be pleased to state the reasons for this discrimination ?

(d) When do Government intend to fix the initial salary of such officers ?

(e) Will Government kindly lay all papers connected with it on the table ?

(f) Is it a fact that the said initial salary of promotion of the aforesaid two Muhammadan and Anglo-Indian Officers was fixed by the Railway Board itself ?

(g) Is it a fact that the Auditor General took the objection that under the cumulative effect of Fundamental Rules 8 and 19 the matter was beyond the competence of the Railway Board ?

(h) Is it a fact that the said initial salary has still been maintained in spite of the objection ?

Mr. A. A. L. Parsons : (a) Two Muslim officers of the Local Traffic Service promoted to the Superior Service in 1928 were allowed an initial pay of Rs. 450 per mensem. No such case of an Anglo-Indian has occurred.

(b) The initial pay of officers of the Local Traffic Service promoted in 1930 and 1931 and of officers of the Provincial Engineering Service promoted in 1928, 1930 and 1931 has not yet been finally fixed. Certain representations have been received on the subject.

(c) The delay in the cases referred to above was caused by the necessity of framing proper rules on the subject which would be fair both to direct recruits and to promoted officers.

(d) Government expect to issue orders very shortly.

(e) Government do not propose to lay the papers asked for on the table.

(f), (g) and (h). The initial pay of the Muslim officers referred to in reply to part (a) was fixed by Government. No objection was taken by the Auditor General.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state what effect has been given to the representations on the subject referred to in part (b) of the question ?

Mr. A. A. L. Parsons : They are under consideration.

POWERS OF THE RAILWAY BOARD OF FRAMING RULES FOR THE DETERMINATION OF SALARIES.

570. *Sardar Sant Singh : Will Government kindly state what legal authority and power the Railway Board possess for framing rules regarding determination of initial salary, seniority, etc. ? Have the copies of these rules been supplied to any subordinate officers or departments ? If so, when ? If not, why not ? Will Government be pleased to lay a copy of these rules on the table ?

Mr. A. A. L. Parsons : It is presumed that the question relates to persons promoted to superior services. The initial pay of such persons on promotion is fixed in accordance with the Statutory Rules. Rules regulating the seniority of officers promoted to the superior services have been drawn up, but are not yet in final form and have, therefore, not yet been communicated to Railway Administrations. Until they are finally settled, Government are not prepared to put copies in the Library.

ABOLITION OF THE LOCAL TRAFFIC SERVICE AND CREATION OF A NEW SERVICE.

571. *Sardar Sant Singh : (a) Is it a fact that the Local Traffic Service on the North Western Railway has been abolished ; and that a new service, with much better emoluments than the said service has been created ? Why was this done ?

(b) Will Government kindly lay on the table copies of the despatch to the Secretary of State regarding the abolition of the former and creation of the latter on the table ?

Mr. A. A. L. Parsons : (a) and (b). The Local Traffic Service has been abolished in consultation with the Central Advisory Council for Railways and a Lower Gazetted Service with a slightly better scale of pay introduced to afford deserving subordinates a fair prospect of advancement to the gazetted rank. The reasons for the change are stated in paras. 5—8 of the Government of India Despatch No. 1-Ry., dated 18th January, 1930, a copy of which is being placed in the Library.

ALLEGED FAVOURITISM OF ANGLO-INDIAN OFFICERS AND SUBORDINATES ON THE NORTH WESTERN RAILWAY.

572. *Sardar Sant Singh : (a) Is it a fact that recently several senior Indian subordinates officiating as A. T. Os. on the North Western Railway have been reverted, but junior Anglo-Indians kept on ?

(b) What residential Government bungalows occupied by Subordinate Anglo-Indians were not taken away in spite of their reversion ?

(c) Will a list of such reversions and bungalows taken away during the first two months in Lahore, Ferozepore, Multan, and Delhi divisions be laid on the table ?

Mr. A. A. L. Parsons : I have called for certain information from the Agent, North Western Railway, and will communicate with the Honourable Member on its receipt.

METAL RAILWAY PASSES LOST OR MISUSED.

573. *Sardar Sant Singh : (a) Since when has the privilege of metal passes been enjoyed by the gazetted officers of the North Western Railway ?

(b) How many of such passes were lost during the period ?

(c) Who were the officers who lost them and what amount, if any, under the pass rules was realized as penalty ?

(d) How many of the said passes were misused and how much penalty for them has been charged, and what are the names of the officers who so misused them ?

(e) How many of the officers referred to in parts (b) and (c) were Europeans and Anglo-Indians and Indians, respectively ?

(f) Will Government be pleased to lay on the table a list of the passes so lost and misused with the names of their holders, which was sent to the Auditor General from time to time, as required by the pass rules ?

Mr. A. A. L. Parsons : (a) Metal passes have been issued to gazetted officers of the North Western Railway for many years, but the actual year from which these passes have been issued is not readily ascertainable.

(b) A census of metal passes taken in 1929 on the North Western Railway showed that 189 could not be accounted for.

(c), (d), (e) and (f). The compilation of the information asked for would involve a considerable amount of work which would not be commensurate with any use to which the information could be put. I would add, however, with reference to the latter portion of part (f) of the Honourable Member's question, that there is nothing in the Pass Rules requiring the submission to the Auditor General of a list of passes lost and misused.

DEFINITION OF " FAMILY " IN THE NORTH WESTERN RAILWAY PASS RULES.

574. ***Sardar Sant Singh :** Is the definition of " family " in supplementary Rule No. 2 (8) binding on the Railway Board ? If so, is its definition in North Western Railway pass rule 25 authorised ? Are Government aware of the Indian feeling that the said variation has been interpreted to grant greater privilege and concession to Europeans and Anglo-Indians and denial of the same to Indians ?

Mr. A. A. L. Parsons : The definition of " family " in Supplementary Rule No. 2 (8) is binding on the Railway Board in cases which come under the Supplementary Rules. There is no reason why a different definition should not be adopted in an entirely different set of rules ; and the definition adopted in the North Western Railway Pass Rules is authorised. In fact this is the definition adopted by the Indian Railway Conference Association to govern the issue of passes over foreign railways. As it applies to all classes of railway employees on the North Western Railway, I am unable to see how it can be held to give greater privileges and concessions to Europeans and Anglo-Indians than to Indians.

CHANGE OF RULES FOR METAL PASSES.

575. ***Sardar Sant Singh :** (a) Is it a fact that the Railway Board intends to change the rules regarding metal passes ? If so, will these changes affect Indians alone or equally Indians, Europeans and Anglo-Indians ?

(b) If the answer to part (a) is in the affirmative, what are the grounds for such a step ?

Mr. A. A. L. Parsons : (a) The question of revising the rules for the issue of passes, including metal passes, is under consideration. The revised rules, if and when issued, will apply equally to all communities.

(b) The reasons for the contemplated changes are the possibility of a metal pass being used by a person not entitled to it and the necessity for restricting the number of metal passes issued, as it was found that a large number of those issued had been lost.

POWERS OF ASSISTANT TRAFFIC SUPERINTENDENTS.

576. ***Sardar Sant Singh :** (a) What were the powers of the Assistant Traffic Superintendents, before 1922, regarding promotion, appointment, transfer, suspension, fine, etc., of their subordinates ?

(b) Have these powers been affected on the introduction of the new rules ? If so, in what way ?

(c) If these powers have since been taken away, what are the reasons for the step ?

Mr. A. A. L. Parsons : Government have no information. Such matters are within the competence of Railway Administrations.

TRAVELLING ALLOWANCE OF PROBATIONERS SENT TO OUT-STATIONS ON THE NORTH WESTERN RAILWAY.

577. ***Sardar Sant Singh :** (a) Is it a fact that probationers (Transportation and Commercial Departments) on the North Western Railway have hitherto been paid travelling allowance when sent to outside stations for training ? Has it now been stopped ? If so, under what authority ?

(b) Is it a fact that it is still paid to them on the Eastern Bengal Railway and the Great Indian Peninsula Railway ?

(c) What is the number of such probationers—Indian and European, respectively—posted to the North Western Railway since January, 1931, for such training ?

Mr. A. A. L. Parsons : (a) Yes. It has not been stopped.

(b) Yes.

(c) Two Indians and one European.

TRAVELLING ALLOWANCE OF PROBATIONERS SENT TO OUT-STATIONS ON THE NORTH WESTERN RAILWAY.

578. ***Sardar Sant Singh :** (a) Is it a fact that the probationers on the North Western Railway posted to the Lahore and the Rawalpindi Divisions, were sent to small wayside stations for training for days varying from 5 to 25 days but that the Railway Board have been informed that that period exceeds one month in each station ; and that their travelling allowance should be stopped as the period of stay exceeds one month ?

(b) Will Government be pleased to lay on the table a statement of the postings of each of the said probationers on various outside stations with the period at each station ?

Mr. A. A. L. Parsons : (a) The Agent of the North Western Railway has informed the Railway Board that Transportation (Traffic) and Commercial probationers have been posted to wayside stations for training for over one month, and has asked what travelling allowance they should get during that period.

(b) Government regret that they cannot undertake to collect this information.

TRAVELLING ALLOWANCE OF PROBATIONERS SENT TO OUT-STATIONS ON THE NORTH WESTERN RAILWAY.

579. ***Sardar Sant Singh :** (a) Is it a fact that the probationers on the North Western Railway will, when confirmed as officers, have the facilities of a reserve carriage, a chaprasi, free porters, etc., and will also get travelling allowance when out on tour to such outside stations ?

(b) Is it a fact that, as probationers, they have no such facilities and the proposal is to stop their present travelling allowance ?

(c) Is it a fact that, in many cases, these probationers cannot take their families with them to such small stations and have to maintain a separate establishment for them at the Headquarters ?

Mr. A. A. L. Parsons : (a) Railway officers are allowed a peon, and, if and when circumstances permit, a carriage and are eligible for travelling allowance under the rules, when travelling on duty.

(b) Probationers under training are treated under the rules applicable to them which Government consider liberal.

(c) Government have no information.

DIFFERENCE IN PAY OF LOCAL TRAFFIC SERVICE OFFICERS.

580. ***Sardar Sant Singh :** (a) Is it a fact that the Railway Board gave Rs. 450 per mensem to Mr. B. A. Khan, Local Traffic Service Transportation Officer, when promoted to the Superior Service about two years ago ?

(b) Is it a fact that the Agent, North Western Railway, has called the attention of the Railway Board to this fact and has asked them to give Messrs. Berry, Kaul, Puri and Shah, promoted this year, the same amount of Rs. 450, minimum, as their initial pay but that the Board proposes to make it at Rs. 400 only but Rs. 800 per mensem in the case of two subordinates, Messrs. Chandwani and Petrie, promoted also this year direct to the Superior Service ?

(c) Will the Railway Board be pleased to state the reasons for the said distinction between the said three cases ?

Mr. A. A. L. Parsons : (a) Yes.

(b) and (c). The Honourable Member has apparently been informed of the contents of a letter sent by the Agent to the Railway Board, which is a privileged document, and is still under their consideration. I am not prepared to supply the information for which he asks, and shall be grateful

if he will let me know the source of his information so that necessary action can be taken.

PROMOTION OF ANGLO-INDIAN SUBORDINATES TO THE SUPERIOR REVENUE ESTABLISHMENT.

581. ***Sardar Sant Singh :** (a) How many subordinates, Anglo-Indian and Indian respectively, have been promoted to the Superior Revenue Establishment since 1920 ; and how many of them have been placed in seniority above Indians recruited direct to the gazetted Local Traffic Service or to the Superior Service since the same year ?

(b) What is the number of such Anglo-Indian subordinates on all the State Railways ?

(c) Is it the intention that the said precedent of comparative seniority followed in the case of the said promoted subordinates will be followed in the case of the other Anglo-Indian subordinates on promotion ?

Mr. A. A. L. Parsons : I regret that I cannot agree to impose on Railway Administrations the very laborious task of compiling all the information for which the Honourable Member asks, but I can assure him that the rules regulating the seniority of officers promoted to the superior services, which the Railway Board have drawn up, will be applied to both Anglo-Indian and Indian subordinates without any differentiation.

CONCESSIONS AND PRIVILEGES ALLOWED ON STATE RAILWAYS TO ANGLO-INDIANS AND INDIAN SUBORDINATES.

582. ***Sardar Sant Singh :** Will Government be pleased to lay on the table a statement of the various concessions and privileges allowed on all State Railways to (a) Anglo-Indian, and (b) Indian subordinates ?

Mr. A. A. L. Parsons : Apart from pay and allowances, leave, provident fund and gratuity, the principal concessions allowed to the subordinate staff on State Railways, consist in the grant of free passes and privilege ticket orders, free medical attendance, assistance towards the education of their children, grants to institutes and under certain conditions free uniforms and free quarters or an allowance in lieu. These concessions are given to both Indians and Anglo-Indians.

APPOINTMENT OF SIKHS AS DEPUTY POSTMASTERS-GENERAL AND POSTMASTERS.

583. ***Sardar Sant Singh :** (a) Will Government kindly state if there has ever been any Deputy Postmaster General belonging to Sikh community ? If not, why not ?

(b) Is it a fact that out of the Postmasters in the grade of Rs. 800 and Rs. 850 there is not a single Sikh ? If so, why ?

Mr. J. A. Shillidy : (a) Government regret that they are not prepared to undertake an investigation of all the old records necessary to enable them to reply to the first part of this question. There is no Deputy Postmaster-General at present who is a Sikh. Appointments to posts of Deputy Postmaster-General are made by the promotion of senior officers who are considered suitable from the lower eligible ranks and not on communal considerations.

(b) There is no grade of Rs. 800—850 amongst the Postmasters. No Sikh holds the rank of a gazetted Postmaster.

APPOINTMENT OF SIKHS IN THE POSTAL SERVICE IN THE PUNJAB.

584. *Sardar Sant Singh : (a) What is the total strength of non-gazetted Postmasters in the Punjab, in the grade of Rs. 150—10—250 and how many of them are Sikhs ?

(b) Will Government kindly state the number of Inspectors, in the Punjab, in the grade of Rs. 160—10—250 and the number of Head Clerks in the same grade ? What is the strength of the Sikhs in this grade ?

(c) Will Government kindly state the number of clerks on time-scale pay in the grade of Rs. 35—5—135 and Rs. 45—5—145 ; and how many of them are Sikhs ?

Sir Hubert Sams : (a), (b) and (c). The information is being compiled and will be supplied to the Honourable Member when ready.

APPOINTMENT OF SIKHS IN THE POSTAL SERVICE IN THE PUNJAB.

585. *Sardar Sant Singh : (a) What is the total number of clerks in the grade of Rs. 45—5—145 (selection grade), in Lahore post offices, Postmaster General's Office, and Dead Letter Office ? How many of them are Sikhs ?

(b) Is it a fact that Sikhs are not represented in the postal services in proportion to their population even ?

	Total number of clerks.	Number of Sikhs.
Sir Hubert Sams : (a)		
Lahore Post Office	231	21
Postmaster-General's Office, Lahore ..	134	8
Dead Letter Office, Lahore ..	52	4

The scale of pay of Rs. 45—5—145 is not a selection grade, as stated by the Honourable Member.

(b) Recruitment is not made on a population basis.

APPOINTMENT OF SIKHS IN THE POSTAL SERVICE IN THE PUNJAB.

586. *Sardar Sant Singh : Is it a fact that circulars have been issued to make up the proportion of the Sikhs in the higher services ; if so, will Government kindly state the number of Sikhs taken in these services during the last two years ?

Mr. J. A. Shillidy : On the assumption that the Honourable Member refers to the higher services in the Posts and Telegraphs Department, the reply to the first part is in the negative and the latter part does not arise.

SAFEGUARDING OF THE INTERESTS OF SIKHS IN THE POSTAL SERVICE.

587. *Sardar Sant Singh : (a) Will Government kindly state what steps do Government propose to take to safeguard the interests of Sikh employees in the Post Office in the coming retrenchment ?

(b) Is it a fact that in Rawalpindi Post Office all the Inspectors so far belong to the Muhammadan community ? If so, why ?

(c) Is it a fact that one Hindu was appointed as an Inspector of Post Offices in Rawalpindi but the powers of filling the vacancies enjoyed by Muhammadan Inspectors was taken away from him ? If so, why ?

Mr. J. A. Shillidy : (a) Pending receipt and consideration of the recommendations of the Retrenchment Advisory Committee, Government are not in a position to make any statement.

(b) Government have no information. Postings of Inspectors are made by Heads of Circles according to the exigencies of the service and not on communal considerations.

(c) Government have no information. If the official concerned has a grievance, it is open to him to represent it through the proper official channel.

POSTMEN AND PACKERS EMPLOYED AT THE RAWALPINDI POST OFFICE.

588. ***Sardar Sant Singh :** Will Government kindly state the number of postmen and packers employed in the Rawalpindi Post Office ? How many of them are Hindus, Muhammadans and Sikhs ?

Sir Hubert Sams : 77 postmen, of which 17 are Hindus, 59 Muhammadans and 1 Sikh : 11 packers, of which 3 are Hindus, 7 are Muhammadans and 1 is a Sikh.

TENDERS FOR ROOFING OF THE SHANAN POWER HOUSE, JOGINDARNAGAR.

589. ***Mr. Jagan Nath Aggarwal :** (a) Is it a fact that tenders for roofing of the Shanan Power House, Jogindarnagar, were invited by the Indian Stores Department ?

(b) If the reply to part (a) be in the affirmative, will Government please state whether the tenders called for were public or private ?

(c) If the tenders were open to public, will Government be pleased to name the newspapers and journals in which the call was published ?

(d) If on the other hand the tenders were called for privately, will Government state reasons for their doing so, and give the name of the firms to whom the tenders were issued together with the quotations received from them ?

Mr. J. A. Shillidy : (a) Yes.

(b) and (c). Tenders were not called for by advertisement in the Press, but thirteen selected firms were invited to tender.

(d) The demand could not be advertised in the ordinary way, because the indenting officer required the roof most urgently.

The names of firms invited to tender were as follows :

- (1) Messrs. Balmer Lawrie and Company, Calcutta.
- (2) Messrs. Jesop and Company, Limited, Calcutta.
- (3) Messrs. Richardson and Cruddas, Bombay.
- (4) Messrs. Asbestos Cement (India) Limited, Bombay.
- (5) Messrs. B. R. Herman and Mohatta, Karachi.

- (6) Messrs. Williams Jacks, Karachi.
- (7) Messrs. T. Cosser and Company, Karachi.
- (8) Messrs. Ellerman's Arracan Rice and Trading Company, Limited, Calcutta.
- (9) Messrs. Heatly and Creshman, Limited, Calcutta.
- (10) Messrs. A. and J. Main and Company, Howrah.
- (11) Messrs. Burn and Company, Limited, Howrah.
- (12) Messrs. The General Engineering Supply and Utility Company, Lahore.
- (13) Messrs. Craig Adams, Lahore.

Three tenders only were received as follows :

- (1) Balmer Lawrie and Company tendered price Rs. 49,900.
- (2) Asbestos Cement (India), Limited, tendered price—
Alternative A—Rs. 49,981.
Alternative B—Rs. 41,063.
- (3) The General Engineering Supply and Utility Company tendered price—
Alternative A—Rs. 29,800.
Alternative B—Rs. 33,100.

TENDERS FOR ROOFING OF THE SHANAN POWER HOUSE, JOGINDARNAGAR.

590. ***Mr. Jagan Nath Aggarwal** : (a) Is it a fact that there was a difference of about Rs. 20,000 between the lowest and the highest tenderer for roofing of the Shanana Power House, Jogindarnagar ?

(b) Is it also a fact that the order has been placed with the firm who quoted Rs. 20,000 or 80 per cent. higher than the lowest tendering firm ?

(c) If the reply to part (b) be in the affirmative, will Government please explain why the order has been placed at such a big difference, ignoring the lowest tender ?

Mr. J. A. Shillidy : (a) and (b). Yes.

(c) The lowest tender did not comply with the specification. The class of material offered as an alternative to that specified was not considered suitable for the purpose.

ROOF OF THE SHANAN POWER HOUSE, JOGINDARNAGAR.

591. ***Mr. Jagan Nath Aggarwal** : (a) Is it a fact that an order has been placed for a teak under-roof for the Shanana Power House, Jogindarnagar and that an alternative under-roof of asbestos or any other similar material was specified in the tender ?

(b) If the order has been placed for teak under-roof, will Government please state reasons for this selection ? Will it not cost an extra Rs. 20,000 ?

Mr. J. A. Shillidy : (a) Yes.

(b) The order was placed for a teak-wood under-roof as it was decided that an under-roof of asbestos or similar material would not serve the

purpose so well nor give the same assurance of continuous and satisfactory service.

The engineer responsible for the construction of the building was consulted before the order was placed and the three tenders were submitted to him for his examination. He decided that a teak-wood under-roof would be the most satisfactory type of construction to adopt.

The extra cost incurred by the acceptance of the teak under-roof in place of the alternative asbestos sheet under-roof amounted to Rs. 8,918.

PROVISION OF A CHILDREN'S WARD IN THE PESHAWAR HOSPITAL IN
MEMORY OF THE CHILDREN OF SARDAR GANGA SINGH.

592. ***Bhai Parma Nand :** (a) Is it a fact that on the sudden death of the wife and two children of S. Ganga Singh, Supervisor, Military Dairy Farm, Peshawar Cantonment, by the bullet shot of a soldier, the Chief Commissioner had made it known that a children's ward would be constructed to commemorate them ?

(b) If the answer to part (a) is in the affirmative, what practical steps, if any, have been taken to fulfil that promise ? If so, what are those steps ?

Mr. E. B. Howell : (a) and (b). No, Sir, the wife of Sardar Ganga Singh was not killed, as suggested in the Honourable Member's question. In this connection I would invite the Honourable Member's attention to the reply (which was laid on the table) to Mr. B. R. Puri's question No. 266, dated the 2nd February, 1931.

RESTORATION OF PROPERTY LOST IN THE AKBARPURA DACOITY.

593. ***Bhai Parma Nand :** (a) Is it a fact that after the Akbarpura dacoity during the last summer the Deputy Commissioner, Peshawar District, had assured the Hindus of the place, whose loss exceeded forty thousand, that the dacoits have been traced and that the plundered property would be restored to the owners ?

(b) If the answer to part (a) is in the affirmative, what practical steps have been taken in the matter ?

Mr. E. B. Howell : (a) and (b). The Hindus of Akbarpura were given no assurance that the dacoits had been traced, nor is it established that the loss was as high as is alleged. The complainants were informed that suspicion rested on a certain transborder tribe and were urged to co-operate in the investigation. This they failed to do ; and no evidence sufficient to establish a *prima facie* case against anybody has yet been secured. Efforts to trace the offenders are, however, still being made.

COMMUNITIES AFFECTED IN REDUCTIONS MADE IN THE FOREST RESEARCH
INSTITUTE AND THE SURVEY OF INDIA DEPARTMENT AT DEHRA DUN.

594. ***Bhai Parma Nand :** (a) How many Hindus and Muhammadans have been brought under reduction in the Forest Research Institute, Dehra Dun, as a retrenchment measure ?

(b) Is there any one belonging to the depressed classes among those thus brought under reduction ?

(c) How many Hindus and Muhammadans have been brought under reduction in the Survey of India Department, Dehra Dun ?

(d) Are there any members of the depressed classes among those thus brought under reduction ?

(e) If the answers to parts (b) and (d) are in the affirmative, will Government please say what special concession is shown to protect the rights of the depressed classes in getting them into the public services ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) None.

(b) No.

(c) and (d). So far 15 Hindus, 8 Muhammadans and 2 members of the depressed classes have been discharged as a retrenchment measure in the various superior and inferior establishments of the Geodetic Branch, Survey of India, Dehra Dun.

(e) None in connection with this retrenchment of personnel.

TRANSFER OF CONTROL OF THE CIVIL ADMINISTRATION OF ADEN FROM THE GOVERNMENT OF BOMBAY TO THE GOVERNMENT OF INDIA.

595. ***Sir Cowasji Jehangir :** (a) Is it a fact that the Government of India are considering the question of the transfer of control of the civil administration of Aden from the Government of Bombay to the Government of India ?

(b) If the answer to part (a) above is in the affirmative, will Government be pleased to state the reasons underlying such a proposal ?

Mr. E. B. Howell : (a) Yes.

(b) I cannot do better than repeat in this House the answer given by the Bombay Government to a similar question in the Bombay Legislative Council on 1st August, 1931 :

“ In reply to a question put by Mr. Husseinbhai Laljee in the second session of the Bombay Legislative Council, 1929, on the subject of the transfer of Aden control he was informed as follows :

‘ The question of the transfer has been mooted and is under discussion with the Government of India. While no decision has been arrived at regarding it, the Government of Bombay consider that from the point of view of the administration of Aden and of the finances of the Presidency the scheme has considerable advantages.’

Since then the Government of Bombay have been in correspondence with the Government of India on the subject. The administrative difficulties with which the Resident at Aden and the Government of Bombay have been confronted are summarised in paragraphs 2 and 6 of the memorandum on the Civil Administration of Aden, copies of which have been supplied to the Members of the Legislative Council, the Press and certain public bodies in Bombay. A copy of the memorandum is now placed on the Council table.

After consideration of various alternatives, the Government of Bombay have come to the conclusion that the most direct and satisfactory solution of the difficulties arising from divided control is that Aden while retaining its special connection with the Bombay Government to whom it would look, as in the past, for a supply of officers and administrative personnel, should cease to form part of the Bombay Presidency, and should be formed into a Chief Commissionership under the direct control of the Government of India.

Before taking definite steps in this direction it was considered desirable to place all the implications of the position before the public specially interested in the matter and to that end the memorandum on Aden referred to above was prepared and issued to the Press, to all Members of this House and the Associations and bodies concerned both here and in Aden. Apart from the administrative difficulties which the present arrangement entails, and which are discussed in the memorandum, one of the main considerations for the Government of Bombay at the present time is dictated by the

extreme financial stringency which makes it difficult to view with equanimity the probability of an extra two lakhs or more of expenditure being transferred almost immediately from Central to Provincial Revenues under the existing constitution. The delay in placing the full facts before the House has been mainly due to the fact that Aden has no separate budget and that it has been found necessary to prepare special *pro forma* accounts for the purpose.

Now that the financial position has been clarified the Government of Bombay, supported it is hoped by all responsible opinion in the Presidency, propose to press for the transfer of Aden at once under the powers vested in the Governor General in Council with the approval of the Secretary of State, under section 59 of the Government of India Act.

The Government of India have nothing to add to this reply except that they are in entire accord with the Government of Bombay. The memorandum referred to in it is placed on the table and has already appeared in the Press.

Memorandum on the Civil Administration of Aden.

1. *Introductory Remarks.*—Some years ago considerable excitement was aroused in political circles in India by the rumour that the connection between Aden and India, which began in 1839, was to be severed by order of His Majesty's Government and that the control of Aden affairs was to be transferred to the Colonial Office. Assurances were consequently given both in the Legislative Assembly at Delhi and the Bombay Legislative Council that no change in the position affecting Indian interests would be made until an opportunity had been given for discussion of any project which might be under consideration.

2. The connection between Aden and British India began in 1839 when an expedition under Major Baillie took possession of what was then only a barren rock, and founded a Settlement there. This was treated as part of British India and included for administrative purposes in the Presidency of Bombay. But since the Settlement commanded the harbour, which is the natural centre of trade for the adjoining parts of Arabia and Africa, it was impossible for its affairs to be conducted without relation to the Arab tribes dwelling in the hinter-land. The Resident at Aden consequently entered into relations with these tribes and with the rulers of remoter places such as Makalla and Shehr, Socotra, etc. To the tribes of the hinterland were extended guarantees of favour and protection in return for reciprocal undertakings. In those days Turkey claimed sovereignty over nearly the whole of the Arabian Peninsula and the development of relations between Aden and the adjoining peoples and rulers consequently brought His Majesty's Government into contact with the Turkish Empire. As a result of prolonged negotiations a joint Anglo-Turkish boundary Commission was appointed and in 1904-05 the boundary of the Hinterland or Protectorate, as it now began to be called, was demarcated. It was agreed on the one side that the Aden authorities should have no dealings with any indigenous ruler under Turkish suzerainty beyond the boundary then fixed, and on the other, that the Turks should not concern themselves with affairs inside that boundary. Matters continued thus until the outbreak of the Great War in 1914, when the Turks invaded the Protectorate and endeavoured to blockade the Settlement. For strategic reasons the direction of operations against this menace was transferred from Army Headquarters in India to the London War Office in 1917 and control of political relations with the Aden tribes and rulers necessarily accompanied this strategic transfer. The civil Administration of the Settlement as part of the Bombay Presidency was in no way affected by this change. After the war it was suggested that this too might be transferred, but the Indian Government objected and the project was dropped. Matters remained there, until 1927, when after much correspondence about the incidence of Aden expenditure, the arrangements of 1917, originally adopted as a war measure, were confirmed, and administrative as well as strategic control of the units composing the Aden garrison was also vested in His Majesty's Government. The present position, therefore, is :

- (1) the Aden Settlement to which Indian interests are confined, remains part of British India, included in the Bombay Presidency,
- (2) the affairs of the Protectorate, in which India is not concerned, are dealt with by the Resident, who is also chief executive officer of the Settlement and Commander-in-Chief of the forces, under orders from the Colonial Office in London.

- (3) administrative and strategic control of the military and air forces in Aden is under the War Office in London.

The Resident is consequently under three authorities, namely :

- (1) the Government of Bombay,
- (2) the Government of India, and
- (3) His Majesty's Government in London,

an arrangement which makes smooth and efficient working very difficult.

3. The area of the Settlement of Aden is 75 square miles, the population in 1921 was about 53,000. The racial composition of the population is as under :

Arabs	31,612
Indians	5,594
Jews	4,408
Somalis	6,551
Miscellaneous	4,867
Total	53,032

The Island of Perim has an area of about 5 square miles and a population of 2,075. The Aden Protectorate comprises an area of about 9,000 square miles and has an estimated population of 656,400.

4. *Administration.*—The chief executive officer (*i.e.*, the Resident and Commander-in-Chief) has under him three Assistant Residents, the first and the third being officers of the Indian Political Department, and the second, an officer appointed by the Colonial Office in London, who is also the Protectorate Secretary. Judicial work is performed by a Judicial Assistant who is a member of the Indian Civil Service and is an Additional Sessions Judge. The Police are under the control of an officer of the Indian Police Service. The Island of Perim is also under the administration of the Resident. The civil administration generally follows the lines in force in India.

5. *Finances.*—Until 1900 the entire civil and military expenditure in connection with Aden was borne by India, although as early as 1886, the Government of India urged the propriety of the expense of Aden being divided between Great Britain and India. In 1895 the Welby Commission was appointed to examine the question. They recommended that the equity of the case would perhaps be met if the United Kingdom were to contribute one-half of the military charges. As a result of these recommendations His Majesty's Government made with effect from the 1st April, 1900 a net annual contribution of £72,000 to Indian revenues towards the military charge of Aden, which continued up to 1927. With effect from 1st April, 1927, His Majesty's Government have become responsible for the whole of the political and military expenditure of Aden, subject to an annual contribution of £250,000 from the Government of India for the first three years, to be reduced thereafter to £150,000 or a third of the total cost whichever may be less.

Civil expenditure in Aden is borne partly by the Government of Bombay and partly by the Government of India. The figures of revenue and expenditure (Provincial and Central) are as follows :

(a) *Provincial.*

	Accounts.		Revised Budget.		Average.
	1927-28	1929-30	1929-30	1930-31	
	Rs.	Rs.	Rs.	Rs.	Rs.
Receipts	4,29,900	4,73,100	5,20,000	4,78,000	4,75,300
Expenditure	3,74,000	4,78,400	4,94,400	5,22,400	4,67,300
Surplus	55,900	—5,300	25,600	—44,400	8,000

(b) *Central.*

	Accounts.		Revised Budget.		Average.
	1927-28	1929-30	1929-30	1930-31	
	Rs.	Rs.	Rs.	Rs.	Rs.
Receipts	3,16,600	6,12,700	6,29,600	5,54,600	5,28,400
Expenditure	9,95,200	7,44,600	6,72,600	8,75,900*	8,22,100
Deficits	6,78,600	1,31,900	43,000	3,21,300	2,93,700

*Includes Hospital Scheme not in budget.

In the above figures "Interest on ordinary Debt"—Central—has been excluded, and due allowance made for pensionary liabilities accruing against Government and for items of expenditure in 1930-31 sanctioned after the Budget was passed.

The Provincial expenditure includes a sum of Rs. 2.26 lakhs (roundly) on police, in addition to which His Majesty's Government have agreed to contribute a sum of £8,000 per annum and the Government of India a sum of Rs. 42,000 per annum towards the reorganised police force. This point will be adverted to later.

The expenditure charged under 'Central' includes at present certain heads such as Education, Medical, Public Health and General Administration. These items are being booked under the head '29—Political'. The amount involved in these items varied approximately Rs. 2,26,000 to Rs. 3,65,000 during the years 1927-28 to 1930-31. The propriety of debiting to the Central Government items of expenditure which are really 'Provincial' in nature is under consideration, and the adjustments which may become necessary will convert the small precarious Provincial surplus to a substantial deficit varying from 2 to 3 lakhs or more.

*Including Rs. 60,000 for Civil Hospital under 41 C. W.—Central.

6. *Difficulties of the position.*—As already explained the relation of the Resident to three different authorities leads to delay and diffusion of energy. Moreover the strategic and political importance of Aden renders it obligatory from an imperial point of view that a high standard of civil administration should be maintained there. It is necessary to spend on the Police, in view of the isolation of Aden from the rest of India, and its peculiar geographical position, considerably more than would have been required had Aden been on the mainland of India. A contribution towards this expenditure has no doubt been secured from His Majesty's Government and the Government of India, but the administration of the force involves unnecessary correspondence, as the Resident has often to obtain the sanction of three different authorities. Proposals for aid from Central Revenues are constantly put forward and although the Government of India are convinced in some of these cases that there is justification for regarding a portion at least of the expenditure as of Central rather than provincial concern, difficulties arise under the present constitutional arrangements as the Government of India cannot incur expenditure on provincial subjects. Experience has shown that the overlapping of responsibilities and functions under the present system can only lead to delay and has resulted in what one authority called 'the stagnation of Aden'. It is unfair to expect the Government of Bombay, whose interest in Aden arises largely out of historical association, to spend their provincial revenues for the improvement of a distant out-post and raising its administration to a standard befitting a nodal point of the Empire. The present small surplus which the Government of Bombay secures from Aden is doubtful and is likely to be converted into a substantial deficit as a result of the investigation into the classification of some of the items of expenditure now charged to Central Revenues. With the growing demands of Aden, Aden is therefore bound to become an increasing burden on provincial revenues.

Sir Cowasji Jehangir : Have the Government consulted the Indian mercantile community of Aden ?

Mr. E. B. Howell : Not directly, Sir. They published the memorandum.

Sir Cowasji Jehangir : Are Government aware that the Indian mercantile community at Aden are strongly against the transfer of the administration of Aden from the Bombay Government to the Government of India ?

Mr. E. B. Howell : I have seen the memorandum from the body to which the Honourable Member alludes.

Sir Cowasji Jehangir : Will Government then consider the matter in view of the opinion expressed by the Indian mercantile community of Aden, which is supported by the Indian mercantile community at Bombay ?

Mr. E. B. Howell : Government will give full consideration to all expressions of opinion from all quarters, directly interested or not.

Sir Cowasji Jehangir : Before coming to a decision ?

Mr. E. B. Howell : Certainly, Sir.

Mr. Gaya Prasad Singh : May I know to what specific points the control of the Government of Bombay will be limited over Aden after this arrangement is effected ?

Mr. E. B. Howell : I am afraid I do not quite follow the question.

Mr. Gaya Prasad Singh : To what specific points will the control of the Government of Bombay over Aden remain after this arrangement is effected ?

Mr. E. B. Howell : No control at all will remain with them.

Mr. Gaya Prasad Singh : Absolutely none ?

Mr. E. B. Howell : None.

Mr. H. P. Mody : Is it the policy of the Government of India that if a district or area under the jurisdiction of a Provincial Government is a drag on the revenues of that Government, the Provincial Government should on that account be at liberty to transfer that area or district to the Government of India ?

Mr. E. B. Howell : I am not aware of any such policy.

Mr. H. P. Mody : Then on what grounds can the Government of India justify the Government of Bombay's decision to transfer Aden to the Government of India, in spite of the undoubted feeling against the transfer on the part of the commercial community most concerned, and to which Aden owes a great measure of its prosperity ?

Mr. E. B. Howell : The Honourable Member is perhaps aware that Aden is separated from the rest of the Bombay Presidency by about 1,800 miles of salt water, which does not apply to any other part of Bombay.

Mr. H. P. Mody : Do I understand that the Government of India really think that they will be able to administer Aden from Simla and Delhi better than the Government of Bombay would from Bombay. (Hear, hear.) Does the Honourable Member know that Aden is separated from Simla not only by 1,800 miles of salt water but by an additional thousand miles of dry land ? I should like an answer to that question, Sir.

Mr. E. B. Howell : What the Government of India thinks must be a matter of opinion.

Mr. H. P. Mody : But surely it must be based on some reasoning which might appeal to this House. I should like to have an answer to that question. Do the Government of India think that it will tend to administrative convenience if Aden is administered from Sind and Delhi rather than from Bombay ? (Hear, hear.)

Mr. E. B. Howell : Sir, under the proposed arrangement Aden will be administered by a Chief Commissioner on the spot ; and the Government of India have no doubt that the future arrangements will be in every way more satisfactory than they have been up-to-date.

Mr. B. Das : May I inquire if the financial commitments of the Government of India will be confined to the two lakhs of rupees after the creation of the Chief Commissionership of Aden ?

Mr. E. B. Howell : I am afraid I can give no prediction on that point, Sir.

Mr. B. Das : May I inquire from the Honourable the Finance Member if he can enlighten me on the point whether the financial commitment of the Government of India will be confined to 2 lakhs of rupees if Aden is transferred to the Government of India and a Chief Commissionership is created for that area ?

The Honourable Sir George Schuster : I am afraid I must ask for notice of that question.

Mr. B. Das : May I ask if any Member of the Government of India can answer that question as to whether they considered that aspect of the case before issuing that memorandum which the Foreign Secretary has placed on the table ?

(No answer was given.)

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to state if any public opinion or the opinion of the several institutions in Bombay has been collected on this point of transferring Aden to the Government of India ?

Mr. E. B. Howell : One institution in Bombay has expressed its opinion and the object of issuing this memorandum is to secure expressions of opinion from all other quarters.

Mr. Lalchand Navalrai : Which is that one institution ?

Mr. E. B. Howell : The Indian Merchants' Chamber.

Mr. H. P. Mody : Is it or is it not a fact that the only reason for the transfer is the question of a couple of lakhs of rupees which is involved in it ?

Mr. E. B. Howell : It is not a fact.

Sir Cowasji Jehangir : Have Government considered this question from the point of view of making up this suggested loss to the Government of Bombay in some other way and therefore relieving the Government of Bombay of the further burden of these two lakhs and keeping the administration of Aden with the Government of Bombay ?

Mr. E. B. Howell : Yes, Sir ; that has been considered.

Mr. H. P. Mody : Have the Government of India received applications from any other Provincial Governments to transfer parts of their territories to the Government of India on the score of financial considerations ?

(No reply was given.)

DEGREES IN MECHANICAL ENGINEERING AND METALLURGY.

596. ***Mr. Bhuput Sing :** Will Government be pleased to furnish a list of colleges or universities in India that confer a degree in mechanical engineering as well as metallurgy, and state :

- (a) whether any of those institutions have prescribed an honours course in their two branches of studies ; and
- (b) whether they have knowledge and information that in England an English student trained in America or in the Continent is treated with more preference than one trained locally ?

Mr. J. A. Shillidy : The following Universities in India confer a degree in Mechanical Engineering :

Madras, Bombay, Calcutta (Mechanical and Electrical Engineering), Benares (Civil, Mechanical and Electrical Engineering), Mysore, Patna (Civil, Mechanical and Electrical Engineering), Rangoon (Civil, Mechanical and Electrical Engineering).

The Benares Hindu University is the only University in India which confers a degree in Metallurgy (Mining and Metallurgy), though the Calcutta University confers a degree in Mining Engineering.

(a) No.

(b) Government have no information.

DEPUTATIONS TO SOUTH AFRICA ON BEHALF OF INDIAN SETTLERS.

597. ***Mr. Bhuput Sing :** Will Government be pleased to state :

- (a) the number of times a deputation or delegation was sent out to South Africa in order to intercede on behalf of or plead for the rights and privileges of Indian settlers residing there during the last two decades ;
- (b) the names of the persons Indians or Europeans who led each of such deputation or delegation ; and
- (c) the results that were achieved by each of such delegation or deputation ?

The Honourable Khan Bahadur Mian Sir Fazli-Husain : (a), (b) and (c). The Government of India have sent four official deputations to South Africa during the last two decades. In 1914 Sir Benjamin Robertson, K.C.M.G., K.C.S.I., C.I.E., I.C.S., was deputed to watch the proceedings of, and to give evidence before, the Indian Enquiry Commission which was appointed by the Union Government to hold a public judicial enquiry into the disturbances in connection with the strike of Indians in Natal. Effect was given to such recommendations of the Commission as required legislation, in the Indian Relief Act of 1914. Sir Benjamin Robertson was deputed again in 1920 to give evidence before the

Asiatic Enquiry Commission. A copy of the Commission's Report is available in the Library of the House. The third deputation was led by the late Sir George Paddison, Kt., C.S.I., I.C.S., and the results achieved by that deputation were set forth in a Press communiqué, dated the 23rd April, 1926. A copy of the communiqué has been placed in the Library of the House. Towards the end of 1926 a delegation from India was sent to the Round Table Conference at Cape Town. It was led by Sir Muhammad Habibullah, K.C.I.E., Kt. The conclusions reached by the Conference were announced to this House on the 21st February, 1927.

REPORT OF THE INDIAN SANDHURST COMMITTEE.

598. ***Sardar G. N. Muzumdar** (on behalf of Mr. S. G. Jog) : Will Government place on the table the Report of the Indian Sandhurst Committee along with the minutes of the members in minority ?

Mr. G. M. Young : The report, with the minutes, was published in India and in England on Saturday, September 19th. Copies have been supplied to all Honourable Members through the Legislative Assembly Department.

SUPERSESSION IN THE BOMBAY CURRENCY OFFICE.

599. ***Sardar G. N. Muzumdar** (on behalf of Mr. S. G. Jog) : (a) Will Government be pleased to state if they are aware of the supersession that took place in Bombay Currency Office as stated in the *All India Currency Union Bulletin* of May, 1931 ?

(b) Is it a fact that claims of several efficient seniors were overlooked without giving them a probation chance to work on the post ?

(c) Is it also a fact that some clerks, whose claims were overlooked, had already worked as Assistant Treasurers for even over a year and the same men were also considered fit to work on the same posts after their juniors were promoted ?

(d) Is it a fact that an interview was not granted to the Honorary Secretary of the Association by the Deputy Controller of Currency, Bombay ?

(e) Will Government be pleased to lay on the table the copies of the correspondence between the Deputy Controller of Currency and the Currency Association ?

(f) Are Government prepared to instruct the authorities of the Bombay Currency Office to avoid such supersessions in future ?

The Honourable Sir George Schuster : (a) Government have seen the bulletin in question.

(b) and (c). The posts in question are selection grade posts which cannot be filled on grounds of seniority alone. The Deputy Controller of the Currency, Bombay, selected the men whom he considered the best in consultation with the officer in immediate charge of the Currency Office. It is a fact that some clerks who were passed over for permanent promotion had already worked as Assistant Treasurers and have since worked as such. It was not considered that their work was sufficiently good to justify their permanent promotion before the clerks actually selected. The latter were considered not only fitted for work as junior Assistant Treasurers

but also able to act as senior Assistant Treasurers in due course. This was not considered to be the case with the clerks who were passed over.

(d) The Deputy Controller of the Currency, Bombay, refused very properly to discuss the merits of individual members of the staff with representatives of the Currency Association.

(e) I do not consider that any useful purpose would be served by laying copies of the correspondence on the table.

(f) No favouritism has occurred and no instructions are required.

INTRODUCTION OF A NEW GOVERNMENT PROVIDENT FUND SCHEME.

600. *Sardar G. N. Mujumdar (on behalf of Mr. S. G. Jog) : (a) Will Government be pleased to state whether Government are now ready with the provident fund scheme as promised in February last ? If so, will it be brought into force before the end of this year ? If not, why not ?

(b) If Government are not prepared to give effect to the scheme before the end of this year as promised, how long do they still intend to keep this important question pending ?

(c) Will Government be pleased to lay on the table for the information of the House a statement showing the progress made in that direction during the course of the last seven months ?

The Honourable Sir George Schuster : (a) The promise given by Government in the Council of State on the 18th February, 1931, was that they would come to a decision on the question of modifying the existing pension system within a year, and, so far as can be foreseen at present, that promise will be fulfilled.

(b) Does not arise.

(c) Certain tentative conclusions have been arrived at and a detailed examination is now proceeding with a view to the modification of the pension system at as early a date as possible.

REVISION OF THE PENSION RULES OF INFERIOR GOVERNMENT SERVANTS.

601. *Sardar G. N. Muzumdar (on behalf of Mr. S. G. Jog) : (a) Will Government be pleased to state whether it is a fact that the question of permanent revision of the pension rules of the inferior servants under the Government of India was under consideration since 1923 and was deferred till the report of the Royal Commission on Labour was available ? If so, what action have Government taken to revise the rules since the report was out ?

(b) Is it also a fact that the question of temporary increase in pensions of these servants was postponed for a further period of two years which expires on the 31st October, 1931 ? If so, what are the new pensionary benefits which Government intend to give to these inferior servants from the 1st November, 1931 ?

The Honourable Sir George Schuster : (a) Consideration of the question of revising the rules governing the pensions of inferior servants serving under the Central Government was postponed till the report of the Royal Commission on Labour became available. In the present financial

emergency further postponement is inevitable till the Report of the Retrenchment Advisory Committee is received.

(b) Temporary increases in small pensions were continued for two years from 1st November, 1929, and the period of their continuance has recently been extended up to 29th February, 1932. The question of the further continuance, or otherwise, of the temporary increases will be examined before that date.

ISSUE OF FIDELITY BONDS BY THE BOMBAY CURRENCY OFFICE CO-OPERATIVE CREDIT SOCIETY.

602. ***Mr. S. G. Jog** : (a) Will Government be pleased to state whether they are aware of the fact that there is a provision in the bye-laws of the Bombay Currency Office Co-operative Credit Society to issue fidelity bonds ?

(b) If so, are Government prepared to accept fidelity bonds of the Currency Office Co-operative Credit Society as is being done in the case of Post Offices ?

(c) If the answer to part (b) is in the negative, will Government be pleased to give reasons ?

The Honourable Sir George Schuster : (a) Yes.

(b) and (c). The total amount of the fidelity bonds obtained under existing arrangements is in the neighbourhood of Rs. 2½ lakhs, while the aggregate paid-up capital of the Co-operative Credit Society in question is rather less than Rs. 16,000. The Society is still too small to be able to undertake responsibilities of the kind suggested.

CARRIAGE OF MAILS BETWEEN INDIA AND ENGLAND AND INDIA AND THE STRAITS SETTLEMENTS.

603. ***Mr. S. C. Mitra** : (a) Will Government be pleased to lay on the table copies of agreements between the Government of India and the P. and O. and B. I. S. N. Companies for conveyance of mails between India and England and India and the Straits Settlements ?

(b) Will Government be pleased to state the amount which is paid to them annually as subsidy for carrying mails between India and England and India and the Straits Settlements ?

(c) Will Government be pleased further to state as to when the present agreement will terminate ?

(d) Is it a fact that although the Government of India pay to the P. and O. and B. I. S. N. Companies the required subsidy for carrying mails between India and England and India and the Straits Settlements, Governments of Great Britain and the Straits Settlements also pay them an equal amount of subsidy ?

(e) Is it a fact that very recently the fact mentioned in part (d) above was brought to the notice of the Government of India and the matter is now under correspondence with the Managing Agents of the steamship companies ?

(f) Will Government be pleased to state who is responsible for this double payment for the same work and what was the total amount paid to the companies during the last 10 years ?

(g) Do Government propose to invite competitive tenders for this purpose before entering into any further agreement with these companies ?

Sir Hubert Sams : (a) Mails between Burma and Penang are conveyed by the British India Steam Navigation Company as part of an agreement with the Government of India for the conveyance of mails by the Company on a number of services in the Bay of Bengal, Arabian Sea and the Persian Gulf and between Bombay and Durban. A copy of the agreement will be shown to the Honourable Member if he will kindly call at my office. The agreement for the conveyance of mails by the Peninsular and Oriental Steam Navigation Company is between His Majesty's Postmaster-General and the Company and it is accordingly not open to the Government of India to make it available.

(b) The subsidy payable to the British India Steam Navigation Company is for all the services covered by the agreement and no portion of it is specified as being for the conveyance of mails to Penang. In respect of the mails sent from India by the Peninsular and Oriental Steam Navigation Company, India pays to the British Post Office an approximate proportionate contribution, the amount of which is at present about £23,700 per annum.

(c) The agreement with the British India Steam Navigation Company is not due to expire before the 1st February, 1934. The Government of India understand that the agreement between the Peninsular and Oriental Steam Navigation Company and the British Post Office is not due to expire before the 31st January, 1934.

(d) As will be evident from the replies to the previous parts of this question, the case is not as stated by the Honourable Member. The Straits Settlements, also, are not parties to the agreement between the British India Steam Navigation Company and the Government of India and it is not known what amount is paid by them for the services rendered to them by the Company.

(e) and (f). The fact that the same steamers of the British India Steam Navigation Company convey mails as provided for under the agreement with the Government of India and also mails under an arrangement made with the Company by the Straits Settlements Administration has come to notice and the subject is under examination, pending which no conclusion can be arrived at.

(g) So far as services such as those now performed for the Government of India by the British India Steam Navigation Company are concerned, the Government of India propose to call for tenders in the open market as they did before the present agreement with that Company was concluded.

CONVERSION OF DEPARTMENTAL TELEGRAPH OFFICES INTO COMBINED OFFICES.

604. *Mr. S. C. Mitra : (a) Will Government be pleased to state as to how many departmental telegraph offices were converted into combined offices during the years 1928-29, 1929-30, 1930-31, in the Bengal and Assam and Burma Circles ?

(b) What was the total number of telegraphists in Bengal and Assam and Burma Circles during the years mentioned above ?

(c) Is it a fact that although several departmental offices were converted into combined offices not a single telegraphist was absorbed in vacancies but they have been kept as floating staff in the Central Telegraph Offices of Calcutta and Rangoon ?

(d) If so, why is so much excess staff kept and for what purpose ?

Sir Hubert Sams : (a).

		<i>Bengal and Assam.</i>	<i>Burma.</i>
1928-29	..	2	3
1929-30	..	4	2
1930-31	..	no conversions but 2	1
		offices worked by Postal men instead of Departmental Telegraphists.	

		<i>Bengal and Assam.</i>	<i>Burma.</i>
(b)			
At the end of 1928-29	..	511	227
At the end of 1929-30	..	498	208
At the end of 1930-31	..	487	213

(c) and (d). The position is not as stated by the Honourable Member. Owing to the fall in traffic there is an excess staff. Any excess can be utilised to advantage in a large telegraph office and it is for this reason that the strength of the staff in the Calcutta and Rangoon offices does not show a considerable reduction.

TRANSFER TO ANOTHER VILLAGE OF THE CHOTKHAND SUB-POST OFFICE.

605. ***Mr. S. C. Mitra :** (a) Will Government be pleased to state as to whether it has been proposed to shift the Chotkhand Sub-Post Office (Burdwan) to another village, from its present location ?

(b) If so, will Government be pleased to state the reason of its shifting to another village ?

(c) What is the name of the village ?

(d) Is the present post office departmental ; if so, how will this building be disposed of ?

Sir Hubert Sams : (a), (b), (c) and (d). Government have no information. The matter is within the competence of the Postmaster-General, Bengal and Assam, to whom a copy of the question is being sent.

REPORT OF THE POSTS AND TELEGRAPHS ACCOUNTS ENQUIRY COMMITTEE.

606. ***Mr. S. C. Mitra :** (a) Is it a fact that the Posts and Telegraphs Accounts Enquiry Committee have finished their business and submitted their report on the 17th April, 1931 ?

(b) If so, will Government please state why their report has not yet been published ?

(c) Will Government be pleased to state what is the cause of the delay in publication of the same and by what time its publication may be expected ?

Mr. J. A. Shillidy : (a) to (c). The report was received by Government on the 4th July. It was released for publication on the 10th July.

LOWEST SELECTION GRADE EXAMINATION FOR THE POSTS AND TELEGRAPHS DEPARTMENTS.

607. *Mr. S. C. Mitra : (a) Will Government be pleased to state whether the Director General, Posts and Telegraphs, intends to hold the lowest selection grade examination in this year ?

(b) If so, when will the examination be held and what will be the syllabus of the examination ?

(c) Will Government be pleased further to state whether junior candidates will be allowed to appear at this year's examination ? If so, what percentage of such candidates will be selected ?

Sir Hubert Sams : (a) and (b). The question is still under my consideration. In reply to the second half of (b) the syllabus for the next examination will be the same as for the last examination, *viz.*, that notified in Director General's Circular No. 16 of 18th August, 1930.

(c) The reply to the first part is in the affirmative. The reply to the second part is that it is under consideration.

PROMOTION IN THE POSTAL DEPARTMENT.

608. *Mr. S. C. Mitra : (a) Has the attention of Government been drawn to their orders No. 279-Est. 29, dated the 24th January, 1930, laying down that future appointments to posts of Accountants or Assistant Accountants included in selection grades should be confined to men who have passed the Accountant's test but that this arrangement should not interfere with the promotion to the highest selection grade of men holding posts in the lower selection grade and employed on work connected with accounts, if they are considered fit for such promotion ?

(b) Have Government defined the scope of men on work connected with accounts ?

(c) What is the number of such men connected with accounts in the post offices at Presidency towns and what is their sanctioned strength ?

(d) How have Government determined the position of all qualified Inspectors of Post Offices or Head Clerks to Superintendents of Post Offices, Head Postmasters in the grade of Rs. 160—250 or men who have worked in this capacity up to the 24th January, 1930 ?

(e) Were their duties connected with accounts on the 24th January 1930, and if so, are these men held eligible for higher posts in the Accounts Branch ? If not, why not ?

(f) Why is this date fixed in granting promotions to men who have not passed the Accountant's test as a time limit for exempting such men from the above rule ?

Sir Hubert Sams : (a) Government issued the letter cited by the Honorable Member and it included *inter alia* the orders stated by him except that these spoke of the "higher" and not of the "highest" selection grade.

(b) The scope is indicated in the letter just referred to.

(c) Government have no information.

(d) The question of so determining their position did not arise in the present connection.

(e) No, they do not come within the purview of the letter referred to in (a).

(f) In order to render the purpose of the orders in the same letter effective within a reasonable time.

PROMOTIONS IN THE POSTAL DEPARTMENT.

609. *Mr. S. C. Mitra : (a) Are Government aware that the departmental examinations held in the Accountant General's office prior to the introduction of the Fundamental Rules did not disqualify men for higher promotions on the ground that the new curriculum including the Fundamental Rules came into force ? If so, will Government please state whether men in the Post Office already qualified in departmental examinations of Inspectors and Head Clerks to Superintendents of Posts Offices held prior to the introduction of the Fundamental Rules, have been excluded from getting promotion to Accountant's posts on Rs. 250 ? If so, on what grounds ?

(b) Do Government propose to go through the Director General's circular No. 41, dated the 6th November, 1930, with his orders No. A.E.-285/27, dated the 5th May, 1927, and issue clear orders on the points ?

(c) Do the words " men holding on the 24th January, 1930, posts in the lower selection grade and employed on work connected with accounts " exclude men on work connected with accounts prior or subsequent to the 24th January, 1930 ? Is it not in contravention of the Director General's orders No. A.E.-285/27-Ruling, dated the 5th May, 1927 ?

(d) Are Government aware that several anomalies have been caused on account of the working of these orders ? If so, are Government prepared to consider the deletion of the words " on 24th January, 1930 " with a view to redress the genuine grievances and, if necessary, to adjust the promotion ?

Sir Hubert Sams : (a) Government have not the information referred to in the first part, but even if the fact were as stated by the Honourable Member it would constitute no ground for treating the Inspectors' and Divisional Head Clerks' examination, which continued to be held after the introduction of the Fundamental Rules, as answering the special requirements of the Postal Accountants' examination, which was introduced before the abolition of the Inspectors' and Divisional Head Clerks' examination.

(b) The Director-General's circular cited by the Honourable Member was based on the Government letter referred to in part (a) of the Honourable Member's starred question No. 608. These orders superseded all previous rulings on the subject.

(c) Does not arise in view of the reply to the preceding part and also of the replies to parts (e) and (f) of the Honourable Member's starred question No. 608.

(d) The reply to the first part is in the negative. The second part does not arise.

IMPORT OF AFRICAN COAL TO INDIA.

610. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the total number of tons of coal that was shipped from South Africa to Bombay in each of the 5 years ; 1925-26, 1926-27, 1927-28, 1928-29 and 1929-30 ;
- (b) since when and under what circumstances African coal was first begun to be imported into this country ;
- (c) whether it is a fact that the Union Government of South Africa grant some sort of bounty to the coal mining industry in that country ;
- (d) the freight per ton that the shipping companies charge for the African coal from Capetown to Bombay ;
- (e) whether it is a fact that the shipping companies carrying the coal allow some deferred rebates upon the total weight carried on behalf of a certain firm during a particular period ;
- (f) if the answer to part (e) is in the affirmative, the rate of such rebates allowed per ton shipped ; and
- (g) whether Government are aware that the unrestricted import of African coal has prejudicially affected (1) the indigenous industry, and (2) the railway revenues ?

The Honourable Sir George Rainy : (a) Imports of South African coal into the Presidency of Bombay were :

Year.				Tons.
1925-26	..	..	..	87,513
1926-27	..	..	..	73,989
1927-28	..	..	..	130,060
1928-29	..	..	..	87,135
1929-30	..	..	..	166,661

(b) African coal was imported into India in small quantities as long ago as 1891. Government are unaware of any special circumstances in which these imports began.

(c) An indirect bounty in the shape of a rebate on railway freight is understood to be granted by the South African railways in respect of coal shipped as cargo overseas beyond South or South-West Africa.

(d), (e) and (f). Government have no information.

(g) No, Sir.

BENGAL AND BIHAR COAL SENT TO BOMBAY.

611. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the total number of tons of Bengal and Bihar coal that was sent to Bombay in each of the five years from 1925 to 1930 ; and
- (b) the freight per ton of coal per goods train from Dhanbad to Bombay (1) *via* the Bengal-Nagpur Railway and (2) *via* the East Indian and Great Indian Peninsula Railways ?

Mr. A. A. L. Parsons : (a) I regret that the information is not available.

(b) (1) Rs. 12-8-0.

(2) Rs. 12-6-0.

UNIFORMS OF POSTAL AND TELEGRAPH PEONS AND SORTERS.

612. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the amount that is spent on uniforms and liveries for Post and Telegraph peons and sorters in British India ;
- (b) the total amount that is spent for liveries and uniforms for Post and Telegraph peons and sorters in the three Presidency towns of Calcutta, Bombay and Madras ; and
- (c) whether in the interests of economy, they are prepared to consider the question of the withdrawal of the uniform and livery from all peons and sorters for the next five years substituting therefor some metal badges only ?

Sir Hubert Sams : (a) and (b). Sorters are not supplied with uniforms or liveries. It is regretted that the other information asked for is not available and could not easily be collected.

(c). Pending the examination which is being made for the purpose of economy in the Posts and Telegraphs Department as a whole by the Retrenchment Advisory Committee, Government would prefer to make no statement.

COST OF MILITARY STUDENTS AT THE CALCUTTA MEDICAL COLLEGE.

613. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

- (a) the number of military students that are studying in the Calcutta Medical College at present ;
- (b) the number of (1) white drill, (2) khaki drill, (3) warm khaki suits and (4) sports uniforms that are allotted to each military student in a year ;
- (c) the amount that it costs Government for the boarding and lodging for each military student month by month ;
- (d) the total amount that is defrayed on the head of military medical students normally in a year ;
- (e) whether their travelling expenses to and from their homes when coming to College and going home are borne by Government ;
- (f) whether in case of illness, when a change is prescribed, the expenses for the change for a military student are borne by Government ;
- (g) whether the Superintendent of the hostel, in which the military students are housed, gets free boarding and lodging besides his pay ;

- (h) whether the amount that is spent on the military medical students is charged to Government of India revenues ;
- (i) if the answer to part (h) is in the affirmative, whether it is chargeable to the civil or military budget ; and
- (j) whether for the sake of economy, Government propose to suspend the recruitment of military students for that medical service for the next five years ?

Mr. G. M. Young : (a) 46.

(b) The Honourable Member is referred to Appendix E of the Prospectus of the Assistant Surgeon Branch of the Indian Medical Department, a copy of which will be found in the Library.

(c) A messing allowance of Re. 1 a day is paid to each student. The students are housed in a Government building the capital cost of which, including servants quarters, etc., is about Rs. 2,79,000. Upkeep charges amount to about Rs. 3,840 per annum.

(d) The annual expenditure on each student is about Rs. 2,150.

(e) On selection for admission to the College, each candidate is given a railway warrant from his home to Howrah, and when he passes out of the College, another railway warrant is given from Howrah to the station to which he is posted. No such concession is given while a student is in residence at the College.

(f) No, Sir.

(g) The Superintendent gets free lodging, but not free boarding.

(h) Yes.

(i) Army Estimates.

(j) Stoppage of recruitment to the Assistant Surgeon Branch of the Indian Medical Department would adversely affect the efficiency of the service, as there is already a shortage in the sanctioned strength of that Branch.

EXPORT OF MONKEYS FROM INDIA.

614. ***Kunwar Raghbir Singh** (on behalf of Mr. C. S. Ranga Iyer) :
(a) Will Government please state if there is a regular monkey traffic between India and foreign countries ? If so, what foreign countries ?

(b) If the answer to part (a) is in the affirmative, have Government kept a census of the monkeys transported from India across the seas ?

(c) How many monkeys were sent from India to America and Germany last year ?

The Honourable Sir James Crerar : (a) Monkeys are exported mainly to Germany and America, but they are also exported in small numbers to the United Kingdom, Belgium, the Straits Settlements, Java, Hongkong, Japan, Ceylon, Netherlands, New South Wales and Italy.

(b) and (c). The approximate number of monkeys exported in 1930-31, was 16,220 of which 6,224 and 5,178 were exported to Germany and America, respectively.

EXPORT OF MONKEYS FROM INDIA.

615. ***Mr. C. S. Ranga Iyer** : (a) Will Government please state if they are aware that the conditions of monkey-traffic between India and abroad are far from satisfactory ?

(b) Are Government aware that during the transit often times these monkeys die (i) because of the scorching heat of the Red Sea, (ii) because of the unhygienic conditions at docks connected with the consignments, (iii) because of want of proper accommodation on board the ships, and (iv) because of conditions of internal transit in India ?

(c) Is it a fact that in cargo ships carrying monkeys from India to America each monkey is allotted only one cubic foot of space and that nearly two dozens are crowded into each crated cage ? Is this in accordance with the regulations that govern the accommodation for animals on board the ships ?

The Honourable Sir James Crerar : With your permission, Sir, I will answer questions Nos. 615 to 618 together. There is much in them on which I have not the requisite information. They raise a general question which I desire to assure the Honourable Member, evokes my sympathy, and I should like to give the Honourable Member a fuller answer than I am at present in a position to give him. The subject is strictly one for Local Governments in most of its aspects, but I will make enquiries and send the Honourable Member a reply to his questions as early as possible.

Mr. K. P. Thampan : May I know, Sir, how we are interested in the export of monkeys ?

The Honourable Sir James Crerar : An Honourable Member has raised the question and I am prepared to make inquiries.

EXPORT OF MONKEYS FROM INDIA.

+616. ***Mr. C. S. Ranga Iyer** : (a) Will Government please state if they are aware that monkeys are exported to New York only to serve the purpose of victims for the laboratories of vivisectionists and for the supply of monkey glands for the new fashion in medicine connected with thyroid glands ?

(b) Will Government please state if they are aware that the monkeys are held sacred by the Hindus ?

(c) Are Government prepared to stop the export of monkeys from India ?

(d) Until the monkey traffic is stopped, do Government propose to take proper steps to see that the export of monkeys is done under hygienic conditions and that torture and death that take place during transit is avoided ?

EXPORT OF MONKEYS FROM INDIA.

+617. ***Mr. C. S. Ranga Iyer** : (a) Have any correspondence and letters or representations been received by Government from societies

+For answer to this question, see answer to question No. 615.

or individuals drawing their attention to the question of Indian monkeys taken out for torture ?

(b) If the answer to part (a) is in the affirmative, will Government be pleased to place the said correspondence on the table ? If not, why not ?

EXPORT OF MONKEYS FROM INDIA.

†618. ***Mr. C. S. Ranga Iyer** : (a) Has the attention of Government been drawn to the article entitled " Indian monkeys taken out for torture ", " Caught in Sri Rama's Place ", " Terrible life in transit and after ", by Margaret E. Cousins published in *New India* and reproduced by the *Sunday Times*, Madras, dated Sunday, August 9th, 1931 ?

(b) Have Government drawn the attention of the Steam Ship Companies to the conditions disclosed in that article by Mrs. Cousins ? If not, why not ? If yes, when ?

(c) Are Government aware of the widespread indignation in the country against the treatment accorded to the monkeys as disclosed in the said article ?

(d) Has any communiqué been issued by the Publicity Department of the Government of India in regard to the torture of monkeys during transit ? If not, why not ?

UNSTARRED QUESTIONS AND ANSWERS.

OVERWORKED POSTAL STAFF.

55. **Mr. C. S. Ranga Iyer** : Will Government please state :

- (a) if they are aware that the subordinate staff of the postal and R. M. S. are over-worked, and the application of Mr. Bewoor's time-test shows the necessity for supply of a large number of additional hands to the postal and R. M. S. offices ;
- (b) if it is a fact that Government are unable to undertake a general revision in the subordinate staff in the postal and R. M. S. according to Mr. Bewoor's time-test due to present financial stringency ;
- (c) if it is a fact that Government have sanctioned in the Budget for the year 1930-31 (Demand No. 23) 234 additional telegraphists who were recruited during 1930-31 ;
- (d) if this sanction was made in spite of the fall in telegraph traffic : and
- (e) why the Telegraph Department should be given a treatment different from the treatment given to the Postal Department ?

Mr. J. A. Shillidy : (a) Government are not aware that the case is as stated by the Honourable Member.

(b) The Honourable Member's attention is invited to the reply given on the 17th March, 1931, to part (b) of Mr. S. C. Mitra's starred ques-

†For answer to this question, see answer to question No. 615.

tion No. 981 in the Legislative Assembly, as well as to the reply given on the 20th March, 1931, to parts (b) and (d) of the Honourable Member's own unstarred question No. 343 in this House.

(c) The fact is not as stated by the Honourable Member. In anticipation of normal traffic requirements, the recruitment of telegraphists was opened in 1929-30, and 147 candidates from outside the Department and 51 candidates from within the Department were engaged for training. As the training of a telegraphist takes a year, provision for the employment of the above number of telegraphists was made in the Budget for the year 1931-32.

(d) No. As stated above, the recruitment was made in 1929-30, before the fall in traffic in 1930-31 could be foreseen.

(e) Does not arise.

RETRENCHMENT IN THE POSTAL SERVICE.

56. **Mr. C. S. Ranga Iyer** : Will Government please state :

- (a) if it is a fact that the Director General, Posts and Telegraphs, has decided to retrench 3 Superintendents, 42 assistants, 2 Head Clerks, and 24 clerks in his office and the office of the Post Master General, Bengal and Assam ;
- (b) if it is a fact that provision was made in the Budget for 1930-31 for a substantial increase in the scales of pay for one Deputy Director-General and all Postmasters General ;
- (c) whether in the despatch to the Secretary of State for sanction of this revision, it was specifically stated that the savings arising from retrenchment of clerical staff mentioned in part (a) would be available and sufficient for giving effect to the revision ;
- (d) if so, whether Government intend retrenchment in the subordinate staff only ;
- (e) whether Government contemplate further increase of pay of the highly paid officers ; and
- (f) whether Government have no intention to effect economy ?

Mr. J. A. Shillidy : (a), (b) and (c). The Honourable Member's attention is invited to the reply to parts (c), (a) and (b) of Mr. S. C. Mitra's starred question No. 173 in this House on the 11th September, 1931.

(d), (e) and (f). No.

NECESSITY FOR POST OF PUBLICITY OFFICER IN THE POSTS AND TELEGRAPHS DEPARTMENT.

57. **Mr. C. S. Ranga Iyer** : Will Government please state :

- (a) the reasons for maintaining the post of the Publicity Officer in the Posts and Telegraphs Department ;
- (b) whether the Publicity Officer has been able to secure sufficient advertisements to cover the cost of his appointment and his travelling allowance ; and

- (c) whether they have considered the question of entrusting the work of canvassing advertisements, etc., to the local officers of the department at their respective places ?

Mr. J. A. Shillidy : (a) and (b). The post of Publicity Officer has recently been created as an experimental measure with the approval of the Standing Finance Committee in order to exploit and utilise the advertising resources of the Indian Posts and Telegraphs Department to their fullest extent. It is not possible to estimate at present the amount of additional revenue likely to be derived, but it is hoped that it will be substantial. After less than five months' working, including a large amount of spade-work, the Publicity Officer has been able to place orders for Rs. 10,000 and has orders for another Rs. 8,000 in view, against an estimated cost of approximately Rs. 13,000 per annum.

- (c) Yes.

OFFICERS OF THE INDIAN BROADCASTING COMPANY MAINTAINED BY GOVERNMENT.

58. **Mr. C. S. Ranga Iyer :** Will Government please state :

- (a) whether a subsidy of 2 to 3 lakhs is given to the Indian Broadcasting Company ;

- (b) whether Government also maintain a set of officers for the same ;

- (c) whether they propose to abolish the latter : if not, why not ?

Mr. J. A. Shillidy : (a) No : the Company went into liquidation last year.

(b) Yes : Government are at present conducting the broadcasting service which they took over from the Company.

(c) The question is understood to be engaging the attention of the Retrenchment Advisory Committee, and Government do not propose to make any statement pending the receipt and consideration of the Committee's Report.

REDUCTION OF SUPERINTENDENTS OF POST OFFICES.

59. **Mr. C. S. Ranga Iyer :** Are Government aware of the following observations of a Superintendent of Post Offices with 17 years of service in the cadre, in the May 1931, issue of *Monthly Notes*, the official organ of the Postal Officers' Association, India ?

“ Then, postal divisions are unequal, some have six districts (and some Indian States to boot) and some have only three. One Superintendent is busy with work another works for only two hours a day. With our inspections cut down to an average of one inspection a month or even less, and our feet chained to headquarters, can we not control more offices ? But it is against our grain to say we are underworked. Anyway, I do know that here one division with all its paraphernalia of Head Clerk on selection grade, three time-scale clerks, two peons, house rent, hot weather establishment, etc., can easily be done away with. Result saving of about Rs. 12,000 a year.”

(b) Do Government propose to reduce the total number of Superintendents ?

Mr. J. A. Shillidy : Pending the examination which is being made by the Retrenchment Advisory Committee in respect of the Posts and Telegraphs Department as a whole, Government prefer to make no statement.

POSTAL SIGNALLERS AND DEPARTMENTAL TELEGRAPHISTS.

60. Mr. C. S. Ranga Iyer : Will Government please state :

- (a) if the postal signallers are not doing the same work as Station Service telegraphists ;
- (b) if the total percentage of mutilations generally is not smaller in the messages signalled by the combined offices than in those signalled by the departmental telegraph offices ;
- (c) what was the opinion of the committee formed by Mr. Booth, Mr. Ryan, and Mr. G. P. Roy, the late Director-General, as regards the percentage of mutilations ;
- (d) if the percentage of mutilations is smaller in combined offices, why should there be a differentiation in pay, prospects and promotions between the postal signallers and the departmental telegraphists ;
- (e) why do not Government recruit postal signallers into the Telegraph Department in Station Service instead of continuing direct recruitment ;
- (f) if any recruitment to the Telegraph Department has been done from the postal signallers till now ; if so, how many ; if not, why not ; and
- (g) where is the necessity for direct recruitment ?

Sir Hubert Sams : (a) The fact is not as stated.

(b) Such statistics as are available tend to show that the percentages of mutilations in combined offices are less than in departmental offices owing probably to the fact that there is a much greater pressure of work in departmental offices than is the case in combined offices.

(c) The opinion was that there was no appreciable difference.

(d) The different scales of pay were sanctioned in consideration of different kinds and conditions of work. All these questions, however, are embraced by the examination which is being made by the Retrenchment Advisory Committee.

(e) and (g). There is a considerable difference in the qualifications of departmental telegraphists and postal signallers and the direct recruitment of some men is essential.

(f) Recruitment of specially selected postal signallers to the Telegraph Branch is made. The number of postal signallers recruited as telegraphists in 1930-31 was 35. Information in respect of previous years is not readily available.

CONVERSION OF DEPARTMENTAL TELEGRAPH OFFICES INTO COMBINED OFFICES.

61. **Mr. C. S. Ranga Iyer** : Will Government please state :

- (a) if it is a fact that as per annual report of the Posts and Telegraphs of India, 1923-24, conversion of 12 departmental telegraph offices into combined offices effected a saving of Rs. 33,696 ; and
- (b) if so, why Government did not convert rapidly many such small departmental offices ?

Sir Hubert Sams : (a) Yes.

(b) The attention of the Honourable Member is drawn to part (c) of my reply to Mr. S. O. Mitra's starred question No. 180 on the 11th September, 1931.

TENDERS FOR THE CONVEYANCE OF MAILS BETWEEN BOMBAY AND ENGLAND.

62. **Mr. C. S. Ranga Iyer** : Will Government please state :

- (a) if they ever called for tenders for the conveyance of the foreign mails between Bombay and England ;
- (b) if the P. and O. Company is the only company that is given the sole monopoly of the foreign mails ; and
- (c) whether they propose to call for tenders and try the lowest tender ; if not, why not ?

Mr. J. A. Shillidy : (a) No. The conveyance of mails between Bombay and England is effected by the steamers of the Peninsular and Oriental Steam Navigation Company under contract with His Majesty's Postmaster-General who called for tenders.

(b) No. Mails for other foreign countries from India are also carried by the British India Steam Navigation Company's steamer under contract with the Government of India as well as by other steamers.

(c) Tenders will no doubt be called for and be considered on their merits by the authority dealing with the matter when occasion for entering into fresh contracts arises.

FUEL ALLOWANCE FOR THE KODAIKANAL OBSERVATORY POST OFFICE.

63. **Mr. C. S. Ranga Iyer** : (a) Are Government aware that the firewood allowances for the Kodaikanal Post Office and Kodaikanal Observatory Post Office have been reduced from eight months to five months ? If so, why ?

(b) Are Government aware that Kodaikanal is very cold for eight months in the year and that it is exposed both to the North-East and South-West monsoons ?

(c) Are Government prepared to restore the old fuel allowance for eight months for both the offices ?

Sir Hubert Sams : (a) to (c). Government have no information. A copy of the question is being sent to the Postmaster-General, Madras.

WITNESSES EXAMINED IN BOMBAY BY THE POSTS AND TELEGRAPHS RETRENCHMENT SUB-COMMITTEE IN BOMBAY.

64. Mr. C. S. Ranga Iyer : Is it a fact that the sittings of the Posts and Telegraphs Retrenchment Advisory Committee were held *in camera* at Bombay ? If so, why ? If not, was scope given to the representations of the All-India Postal and R. M. S. Union and were any witnesses examined by the Committee as representatives of the Union and the subordinate staff ? If so, how many witnesses were examined ?

The Honourable Sir George Schuster : The sittings of the Posts and Telegraphs Sub-Committee of the Retrenchment Committee (like those of the other Sub-Committees) were not public. This was in accordance with the decision of the main Advisory Committee that the Sub-Committees should in no case publish or disclose their recommendations which must be kept for the consideration of the full Committee. The All-India (including Burma) Postal and Railway Mail Service Union, along with other Associations of Posts and Telegraphs employees recognised by Government, was invited to submit suggestions for economy and retrenchment. The Sub-Committee also issued a questionnaire to these Associations and received replies to it. Seven representatives of the All-India (including Burma) Postal and Railway Mail Service Union were examined orally on the 31st August, 1931.

PAY OF OFFICERS AND STAFF OF THE POSTS AND TELEGRAPHS DEPARTMENT.

65. Mr. C. S. Ranga Iyer : (a) Will Government be pleased to state if it is a fact that the following proportion exists between the average pay of officers and that of the subordinate staff in the Posts and Telegraphs Department :

DESIGNATION.	AVERAGE PAY.
<i>Officers—</i>	
	Rs.
Director-General	3,750
Postmaster-General	2,500
Deputy Postmasters-General	1,250
Assistant Directors-General	1,375
Superintendents of Post Offices	550
Divisional Telegraph Engineers	1,000
Superintendents, Telegraph Traffic	550
<i>Subordinate Staff—</i>	
Postal Clerks and Sorters	87
Postman	28
Lower grade staff	14*

(b) Are Government aware that considerable feeling exists among the subordinate staff as to the disproportion between the average pay of officers and themselves ?

(c) Will Government be pleased to state if they propose to curtail the number and salaries, etc., of the high officers ?

Mr. J. A. Shillidy : (a) No. The average pay shown in the question is not correct either in the case of the officers or in that of the subordinate staff. The Honourable Member has omitted from his statement the higher grades of the non-gazetted staff.

(b) No.

(c) Government are not prepared to make any statement on a question which may come within the scope of the investigation of the Retrenchment Sub-Committee.

RETRENCHMENT OF TELEGRAPHISTS.

66. Mr. C. S. Ranga Iyer : (a) Did the Indian Retrenchment Committee of 1922-23 in their Report on page 94 point out that the Telegraph Department has an excess of staff ?

(b) Has the attention of Government been drawn to the following observations of the Incheape Committee :

“ The basis on which staff is fixed is one telegraphist for every 42,000 signalling operations representing an average hourly out-turn of messages per operator during day and night, taking the busy and slack seasons together. On this basis the number of telegraphists required for 100,455,194 signalling operations would be only 2,392 *plus* the standard leave reserve of 17½ p. c. making a total of 2,810 whereas the actual number employed is 3,436, an excess of 626.”

(c) Will Government be pleased to state if it is not a fact :

- (i) that in 1924-25 there were 325 Telegraph Masters and 3,092 telegraphists ;
- (ii) that in the year 1930-31 there were 3,014 telegraphists and 326 Telegraph Masters ;
- (iii) that the number of telegraph offices is decreasing year by year, and the number of telegraphists and Telegraph Masters does not show a corresponding decrease ; and
- (iv) that while the number of selection grade appointments in the post offices is only 7 per cent. it is nearly 16 per cent. in the Telegraph Branch ?

(d) Will Government be pleased to state whether they will be in a position to carry out the recommendations of the Incheape Committee quoted in part (b) ? If so, when ; if not, why not ?

Sir Hubert Sams : (a) It pointed out that it had, at the time, an excess of signalling staff.

(b) Government are aware of the observations.

(c) (i). The Annual Report for 1924-25 shows that on March 31st, 1925, there were 352 Telegraph Masters and 3,092 departmental telegraphists.

(ii) The figures are being verified and the result will be intimated to the Honourable Member separately.

(iii) and (d). Pending the examination which is being made by the Retrenchment Advisory Committee in respect of the Posts and Telegraphs Department as a whole, Government would prefer to make no statement.

(iv) The facts are not as stated.

REDUCTION OF NUMBER OF DEPARTMENTAL TELEGRAPH OFFICES.

67. **Mr. C. S. Ranga Iyer :** (a) Will Government be pleased to state if they contemplate reducing the total number of departmental telegraph offices to combined offices in accordance with the recommendations of the Tupper Committee, so that the departmental telegraph offices will be reduced to half the existing number ?

(b) If so, by when do Government hope to bring about the said reduction ? If not, why not ?

Sir Hubert Sams : (a) and (b). The attention of the Honourable Member is drawn to part (c) of my reply to Mr. S. C. Mitra's starred question No. 180 on the 11th September, 1931.

MEMORANDUM OF THE ALL-INDIA POSTAL AND R. M. S. UNION TO THE POSTS AND TELEGRAPHS RETRENCHMENT ADVISORY COMMITTEE.

68. **Mr. C. S. Ranga Iyer :** Will Government be pleased to state if their attention has been drawn to the memorandum submitted by the All-India Postal & R. M. S. Union to the Chairman of the Retrenchment Advisory Committee regarding Posts and Telegraphs, and, if so, what steps do Government propose to take to fulfil the recommendations in that memorandum ?

Mr. J. A. Shillidy : With your permission, Sir, I propose to reply to questions Nos. 68 and 69 together. Pending receipt and consideration of the Retrenchment Advisory Committee's recommendations, Government are not in a position to make any statement.

MEMORANDUM OF THE ALL-INDIA POSTAL AND R. M. S. UNION TO THE POSTS AND TELEGRAPHS RETRENCHMENT ADVISORY COMMITTEE.

†69. ***Mr. C. S. Ranga Iyer :** (a) Has the attention of Government been drawn to the following observations in para. 113 of the memorandum submitted by the All-India (including Burma) Postal and R. M. S. Union, Delhi, to the Chairman, Posts and Telegraphs Retrenchment Advisory Committee, on the 10th July, 1931, as reproduced in page 216 of the *Madras Circle General Letter* of the Union of August, 1931 :

“ The progressive fall in Postal and Telegraph traffic during the past two years is manifestly due to trade-depression ascribed by Sir Montague Webb and others to the introduction of the 18d. ratio which by impoverishing the agricultural classes has considerably reduced their purchasing power.”

(b) Do Government propose to take any steps to change the ratio ? And, if so, when ?

(c) Have Government examined the correctness of the statement of the said Postal memorandum that the acceptance of their recommendations

†For answer to this question, see answer to unstarred question No. 68.

would mean a saving of, speaking approximately, Rs. 1,15,36,900, per year ?

(d) Has the attention of Government been drawn to the approximate savings which could be effected by way of retrenchment in the Postal and Telegraph Department ?

(e) Do Government propose to accept those suggestions, if not, why not ? If yes, to what extent ?

ALLOWANCES OF THE MINISTERIAL STAFF OF THE GOVERNMENT OF INDIA
OFFICES IN DELHI.

70. Mr. Muhammad Anwar-ul-Azim : Will Government please state :

- (a) when, and the consideration on which, the following allowances were sanctioned for the ministerial staff of the Government of India :—(i) the separation allowance ; (ii) the Delhi conveyance allowance ; and (iii) the Delhi house-rent allowance ;
- (b) whether those considerations still operate ;
- (c) whether Government have since modified the scale of any of these allowances ;
- (d) the reasons for the modifications ;
- (e) whether they propose to make any further modifications therein, and the grounds therefor ; and
- (f) whether Government will announce their decision sanctioning these allowances for the next Delhi season at an early date, at least along with the allotment of quarters for the next winter in New Delhi ?

The Honourable Sir James Crerar : (a) (i). The separation allowance was originally granted in 1912. It is given to men who, for want of accommodation, do not bring their families to Delhi, and is intended to be compensation for the inconvenience and extra expenditure involved in maintaining a dual establishment and also for transporting the family to some place other than Delhi.

(ii) Conveyance allowance was originally sanctioned in 1918 and is given to those who apply for, but are not provided with, accommodation at or near the place of their work. It is meant to compensate for the expense entailed in transporting an officer to office from a distance.

(iii) House-rent allowance was originally sanctioned in 1918 and is granted for the inconvenience and extra expenditure entailed in engaging private accommodation. It is given on the basis of the excess that a man pays over 10 per cent. of his emoluments and is subject to a maximum.

(b) Not to the same extent.

(c) and (d). Yes, the scale of conveyance allowance was reduced last year by 12½ per cent. as a measure of economy.

(e) and (f). The question is under consideration and any changes that may be made, will be intimated as early as possible

MOTION FOR ADJOURNMENT.

SHOOTING OF DETENUS AT THE HIJLI DETENTION CAMP.

Mr. President : I have received a notice from Mr. S. C. Mitra that he proposes to ask for leave to make a motion for adjournment of the business of the House to-day for the purpose of discussing a definite matter of urgent public importance as follows :

12 Noon.
“ The shooting to death of two detenues and severely wounding 20 other detenues in the Hijli Detention Camp.”

I have to inquire whether any Honourable Member has any objection to this motion.

The Honourable Sir James Crerar (Home Member) : Sir, I regret that I must raise an objection to this motion. I should like to inform the House that the circumstances of this occurrence are not yet fully known either to the Local Government or to the Government of India. An inquiry is now proceeding, and I hope to hear very shortly from the Local Government about the result of their inquiry and their own views upon it. Until that is done it is impossible for the Government of India to form its own views. In these circumstances, I submit to the House that a debate on the motion for adjournment while the question is still under investigation would not be a proper course to take, and I trust the House will not grant permission.

Mr. President : As objection has been taken, I would request those Honourable Members who are in favour of leave being granted to rise in their places.

(Not less than 25 Members rose in their places.)

As not less than 25 Members have risen, I declare that leave is granted and that the motion will be taken up for discussion at 4 P.M. this afternoon.

THE INDIAN PRESS BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir James Crerar (Home Member) : Sir, I present the Report of the Select Committee on the Indian Press Bill.

STATEMENT ON THE FINANCIAL POSITION.

The Honourable Sir George Schuster (Finance Member) : With your permission, Sir, I wish to make a very short statement on the financial position. In view of the announcement that His Majesty's Government have decided to relieve the Bank of England of the obligation to sell gold, which was received this morning, it was decided that it would be in the public interest to provide for a temporary suspension, until the situation becomes clearer, of the statutory obligation of the Government of India to sell sterling or gold against rupees. An Ordinance suspending, until further notice, the operation of the appropriate section of the Currency Act, 1927, was accordingly signed by His Excellency this morning.

Mr. Arthur Moore (Bengal : European) : May I ask, Sir, in view of the Honourable the Finance Member's very important statement whether he is in a position to tell us if steps will be taken to link the rupee with sterling during the period when it may be temporarily divorced from gold ?

The Honourable Sir George Schuster : I hope the Honourable Member will excuse me if I make no statement on the matter this morning. We only received the news of this event this morning. We have not had time to settle our detailed plans, but I would like to take this opportunity to assure everybody that, as far as we know anything of the situation, there is no cause for panic or anxiety of any kind. It is probable that arrangement will be made for the suspension of business in London, New York and other important centres for two or three days while discussions on the situation proceed. It is obviously, I think—and I hope all Honourable Members will agree with me—right for the Government of India to allow nobody to take advantage of the situation until it is possible to make a definite plan. Our first duty at the present moment, as we see it, is to preserve intact the reserves of the Government of India which still stand at a very substantial figure, particularly our gold reserves, and I would remind Honourable Members that, although we have lost a certain amount of our currency reserve in the last two months, we have not lost a single penny of our gold reserves and that our actual gold reserves stand at about £7 millions sterling higher than they did about a year ago, owing to receipts of gold from up-country.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : In view of the enormously important implications of the policy just announced by the Honourable the Finance Member.....

Mr. President : I should like to bring to the notice of Honourable Members that no discussion will be allowed on the statement : but if any Honourable Member wishes to ask questions to elicit further information I will certainly permit him to do so.

Mr. H. P. Mody : Thank you, Sir : it was merely a question that I was going to put to the Honourable Member : I was asking him whether in view of the enormously important implications of the policy announced by him, will he be pleased to make a detailed statement some time later, in the course of this week, on the effects of the policy just announced on Indian trade and industry and the position generally ? I think it is due to the House that the Honourable Member should put the House and the country in possession of the full facts, because as I have said already, the policy announced just now may have very far-reaching consequences which are not contemplated at the moment.

The Honourable Sir George Schuster : I shall do my best to comply with the Honourable Member's wishes, though I am sure he will understand that I cannot make any definite promise now ; but I entirely appreciate his desire to have an opportunity for discussing this matter, and I think he is quite justified in asking the Government to make some sort of statement on the position. As regards the facts, I can only assure him that he is in possession of all the facts of the case. There are no facts to be further disclosed. What has to be considered is what is to be the future policy.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : May I know whether the purchase of gold that is made just now at the Mint will be stopped ?

The Honourable Sir George Schuster : No, the purchase of gold will not be stopped. The only obligation which is temporarily suspended by the Ordinance to which I have just referred is the obligation to sell gold or sterling.

Mr. B. Das (Orissa Division: Non-Muhammadan) : May I know if the Honourable Member is going to allot a day and make a statement on the financial and economic position arising out of the Ordinance which he has just mentioned and the assurance he gave previously that he will make a statement on the economic and financial position of the country and which was foreshadowed in the speech of His Excellency the Viceroy.

The Honourable Sir George Schuster : I think the question asked by my friend is identical with that asked by Mr. Mody. I have already informed the House that I shall do my best to comply with that request.

THE HEAVY CHEMICAL INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move that the Bill to provide for the protection of the heavy chemical industry be taken into consideration.

The original application from certain manufacturing firms, which was referred to the Tariff Board was in respect of three acids and eight salts, and of these salts the basis is sulphuric acid. In chapters I to VI of their Report the Tariff Board have considered what is desirable and necessary so far as these particular products are concerned, and they have made certain definite recommendations. But there are four other chapters in the Report which enter into a wider field and which at first sight might seem not directly relevant to the applications which the Board was investigating. Chapter VII deals with the question whether the manufacture of artificial manures in India, and particularly of super-phosphates, should be encouraged by the grant of bounties, and Chapters VIII to IX discuss a possible reorganisation of the industry by which the manufacture, instead of being carried on in 6 or 7 different places, would be carried on at one centre in order to bring about a reduction of manufacturing costs. In this connection, the Board has discussed the reduction of transport charges which would be necessary if such a plan were to be contemplated.

Any Honourable Member who has read the Report will have appreciated the fact that, so far as the manufacturing of these chemicals in India is concerned, it is the cost of making sulphuric acid that is the key of the whole position. The Board have devoted a large part of their Report to that question, and they constantly revert to it. It is indeed the vital point in their investigation of the cost of production. The Board make it clear that sulphuric acid (and the same is true of the other two acids) requires no protection by way of duties because it enjoys the natural protection arising from the fact that the transport of acids in bulk is a difficult and expensive matter. But when you come to the salts which are made from the sulphuric acid the position is quite different.

[Sir George Rainy.]

They enjoy no such natural protection, and since the cost of making sulphuric acid is high in India to-day compared to the cost in other countries, the result is that the manufacturer of these salts has considerable difficulty in meeting competition from abroad.

If Honourable Members will examine the earlier chapters of the Tariff Board's Report, they will find that they make three separate estimates of the cost of production. In the first place, they took as their basis the actual production of one of the firms in Bombay in the year 1926-27. That production was equivalent to about 1,200 tons of sulphuric acid, but they estimated the overhead charges on an output of 2,000 tons because they held that an estimate based on 1,200 tons would be unreasonable, since the small output was due not only to the competition from abroad but also to the internal competition between the Indian firms themselves. The result of that calculation was to show—Honourable Members will find a summary of it in paragraph 48 of the Report—that the acids required no protection, but that the various salts did require protection the amount of which varied from 20 and 200 per cent. The Board said definitely and at once that they could not consider recommending protection on that scale. At page 30 they say :

“ It will be seen that the lowest duty required is over 20 per cent. and the highest over 200 per cent. Even in the case of a key industry we could not contemplate the imposition of protective duties on this scale, nor would it be fair to the numerous industries dependent on the use of chemicals to inflict so heavy a burden on them.”

In Chapter IV, the heading of which is “ Estimate of Future Costs ”, the Board make a second calculation, this time of the probable cost of production if a firm could attain an output equivalent to 4,000 tons of sulphuric acid in a year. A firm in Bombay manufacturing on that scale would not be in a position to supply the whole of the needs of the Bombay market, but it would be possible for it by concentrating on a few of the salts,—given economical production and subject to the imposition of duties—to capture the Bombay market in these salts. I am not going into the details of the calculation, Mr. President ; indeed it would hardly be possible to do so on the floor of this House. But the final results of the calculation are to be found in paragraph 68 of the Report. The sum and substance of it is this, that given an output of 4,000 tons of sulphuric acid a year, the Board believed that a moderate scale of duty would be all the protection required. I will revert to this particular matter in a moment, but before I do so, I would like to mention briefly the third calculation. The Board having shown that a moderate scale of duties would give the protection which could reasonably be given to the manufacturer, they had still to show that eventually the industry could dispense with protection and meet world competition unaided, for this was one of the conditions laid down by the Fiscal Commission. For that purpose, they estimated what the cost of production would be if the amount of sulphuric acid produced in a year could be raised to 8,000 tons, and they show—I think successfully—that if this could be done there would be every reason to expect that for the great majority of these salts no protection would be required and that if some protection was still necessary in one or two cases, it was not very heavy. On the assumption that an annual output of 8,000 tons of sulphuric acid is possible, I think the Board have made out their case that the conditions laid down by the Fiscal Commission are satisfied, and therefore, on that assumption there is a good case for protection.

If Honourable Members will turn to paragraph 68 of the Report, they will find that their conclusions are as follows. On copper as no protection at all. On all the acids and two of the salts, the Board recommended nothing beyond such protection as might be afforded by the 15 per cent. revenue duty. On three salts, the duty recommended by the Board, on the prices at the time the Report was written, varied from 17 to 19 per cent. *ad valorem* and on only three others was the duty at all substantial. These three are sodium sulphide, where the specific duty was equivalent to 24 per cent., zinc chloride, 34 per cent. and Epsom salts, 44 per cent.

While I am on this subject I might mention that, since the Board reported, there has been a drop in the price of chemicals. As far as we have been able to ascertain, the fall is entirely due to the fall in the prices of raw materials. The effect of that fall of course is that the specific duties recommended by the Board, if taken *ad valorem*—on the value—become a higher percentage. On the other hand, last March a general surcharge of 5 per cent. was added to the 15 per cent., so that the revenue duty for the time being is 20 per cent. and not 15 per cent. Substantially the position is not very much changed. There are still three of the chemicals on which the protective specific duty recommended by the Board will be substantially higher than the duties which would be leviable under the revenue tariff. I might perhaps mention that we worked out, on the basis of the Tariff Board figures as regards these three chemicals, what the burden on the consumer would be and on the quantity which the Board found to be the probable consumption in the year the total burden on the consumer in respect of the three duties was only about Rs. 1,50,000.

Now, Sir, let me very briefly sum up what I have been saying. First of all the Board estimated the cost of production on the basis of an annual output of 1,200 tons. They found that the cost was enormously high and on that basis, the duty required would be so exorbitant that they could not recommend protection on that scale. Then they examined the question again and found on the basis of a production of 4,000 tons. a moderate scale of duty would suffice. Finally, they examined the question a third time on the basis of a production of 8,000 tons and found that practically no protection was needed. The point I want to bring out is this, that in the case of this industry it is absolutely vital to get production on an adequate scale if you are to have a reasonably low cost. It is an industry in which small and scattered firms can have very little prospect of success, and if the industry wants to establish itself firmly, then that cannot be done except on the basis of production, at any rate, on a reasonable scale, up to say, 8,000 or 10,000 tons of sulphuric acid a year, although the Board themselves point out that ; in Europe and America, even an output on that scale would be regarded as comparatively small.

Now, I should like to draw attention to two paragraphs in the Board's Report, which are very significant. The first is on page 9, paragraph 20:

“ One of the most important aspects of the problem before us is the possibility of so organizing the chemical industry as to admit of the production of sulphuric acid at an economic cost and, since in modern conditions, the chemical industry perhaps more than any other depends for its success on large scale production, it is necessary to consider the market available in India for the class of chemicals at present manufactured in this country.”

[Mr. George Rainy.]

And the other passages occur on page 30, paragraph 49 :

"We wish to say definitely that in our opinion the chemical industry in India can have no future so long as that manufacture is carried on in small units with low production."

That is to say, the Board condemn unhesitatingly the present organisation of the industry, which means production by units too small to be economic, and it looks forward to some drastic reorganisation of the industry in the future if the industry is to establish itself successfully. I thought that point worth emphasising, Mr. President, because it must be decisive with any one who seriously approaches the question, and it supplies an answer to an inquiry which Honourable Members may have felt disposed to make—why did the Board, who were not bound under their terms of reference to do so, discuss the manufacture of artificial manures and the lowering of transport charges in order to make it possible to manufacture the whole of the country's demand at a single centre? It also supplies an answer to the question why Government have placed their proposals before the House in the precise form embodied in the Bill. Why did the Board having proposed their scale of duties, not leave the matter there, and why did they go on to other matters? Well, the plain fact of the matter is that with Indian consumption on the scale it is today, 8,000 tons is not a possible output for any firm in Calcutta or Bombay or in other area, even if there were only one firm at each centre. The consumption of these chemicals is not large. I have examined the growth of consumption during the last few years, and found that there has been some increase, but it is not very rapid, and apart from things which we cannot foresee, such as the possible manufacture of artificial silk in India, it is not likely that the consumption will expand at all quickly. Therefore, the Board were faced with this difficulty. They could show that on a production of 8,000 tons a year, the industry would eventually be able to dispense with protection. But they could not show, on the basis that there must be one firm in Bombay, one firm in Calcutta and possibly a firm in Madras, they could not show that any one of them could attain a production of 8,000 tons, because the demand for their products to that extent did not exist. And that was a very serious difficulty, because the one thing that protection cannot do for an industry is to create a demand for its products. Therefore, the Board, faced by this difficulty, had to consider the matter again from a somewhat wider point of view; and they found that there were two ways in which the difficulty might be overcome. If the manufacture of super-phosphates in India could be undertaken successfully, then, making allowance for the probable growth of consumption of this form of manure, it would enable the chemical manufacturer to increase his output of sulphuric acid and in that way to bring down his costs. For example, if he could find in his own area a market for 5,000 tons of super-phosphates every year in addition to the other chemicals to be manufactured, that would absorb 1,750 tons of sulphuric acid. On that basis it might not be a very long time before a firm in Bombay or a firm in Calcutta could obtain an output of 8,000 tons; and since super-phosphates are used most largely in the Southern part of India, that might enable the industry to establish itself at Madras also.

The other solution which suggested itself to the Board was this. The total consumption in India of the chemicals with which they were con-

cerned was the equivalent of some 12,000 tons of sulphuric acid a year. Let us suppose that the manufacture of these chemicals could be concentrated in the hands of a single firm at one centre, then at once you would have an economic unit of production. But India is a very large country, and it is practically impossible to supply the entire public demand for any commodity from a single manufacturing centre because the transportation costs are prohibitive. Therefore, they went on to say that, in order to bring down the cost of transport, it would be necessary to make a very heavy reduction in railway freight rates not only on the manufactured chemicals but also on the various raw materials which the industry would have to use. It is impossible, I think, Mr. President, to consider the Board's proposals in isolation from each other. You cannot say properly, "we will first consider the question of the duties proposals; we will decide about that. Then there is a separate question which we will consider about super-phosphates; and finally, we will consider the question about the railway freight rates". They are all integral parts of a single scheme, the point being that, if the attempt is made now, by protection, to encourage the control of this industry, the protection will have to be continued for a very long time unless we can find a solution in one or both of the two directions which the Board have explored, that is, the manufacture of artificial manures, on the one hand, which might enable the manufacture to be carried on successfully at two, three or four centres, or, in the alternative, that the industry should be so organized that the whole of India's requirements would be produced at a single centre.

Now, Sir, the House will see that Government was confronted with a somewhat difficult problem in deciding what the right line to take was in connection with the proposals of the Tariff Board. If we imposed the duties and simply left the matter at that, I do not contend that the burden on the consumer would be very high, but the advantage to the country would be very small. All that it could serve to do would be to perpetuate this imperfect organization of the industry, which in the opinion of the Tariff Board it is absolutely necessary to change if the industry is to have a chance of success. Therefore the question was, what was to be done about the other two branches of the Board's proposals? First of all, as regards the grant of bounties to encourage the manufacture of super-phosphates in India, what Government felt about it was this. It will be a somewhat difficult thing to put forward a scheme of bounties to encourage the development of an industry which does not yet exist, and that proposal definitely offends against one of the canons laid down by the Fiscal Commission. The underlying reason for that is that, until production has been started and it has been going on for some little time, you can get no really satisfactory data as to what the cost of production is likely to be. Therefore, it was clearly impossible I think for Government to adopt that part of the proposal at the present juncture, and the matter requires further exploration, especially in two directions. We want to get further information, and I believe we can, by consulting experts who exist in India, as to the probable cost of manufacturing super-phosphates from rock phosphates. That has not yet been tried in India before; a small quantity of super-phosphates has been made in India from bones but not from rock phosphates as the Tariff Board recommend. In the second place, there is another side of the question to be explored, namely, what the prospects are of a reasonably rapid growth in the demand for super-phosphates in India; and that

[Sir George Rainy.]

is complicated in this way, that whereas what the Board hoped to see was the combined use of ammonia sulphate and of super-phosphates to supply the deficiencies in the soil, in quite recent years there has been a new development in chemical manufacture by which what are called compound fertilisers have been put on the market, and these contain both elements which the soil requires, that is, both nitrate and phosphorus. If it were found that these compound fertilisers were the more satisfactory and the more acceptable to the cultivator, that would put the whole question entirely in a new position. For then, we could not expect that the demand for super-phosphates would develop. Another point which has got to be explored is the question, how far the Board are justified in hoping that if the manufacture were established in India, it would lead to lower prices and so would benefit the cultivator. I have every hope that we shall have the co-operation of the Council of Agricultural Research in exploring that side of the question.

But that brings me to the point why we have proposed in the Bill that the duties recommended by the Tariff Board should be imposed for a period of 18 months only. Before the end of that period, our inquiries ought to be complete, and we ought to be in a position to form a definite judgment as to the prospects of the successful establishment of a manufacture of artificial manures in India. Until we have that information, a final decision as to whether the industry should be protected can hardly be taken. But in the intervening period the imposition of the duties will give for that period to the industry the amount of assistance which the Tariff Board thought would be justified without putting a heavier burden on the consumer than they thought was reasonable. This interval of 18 months also will give time for the firms engaged in the industry to consider the very cogent argument,—as I think they are—which the Tariff Board have advanced in support of the view that, if the industry is to have any success at all, it will have to reorganise. The firms will I think be well advised to get together to discuss and consider the matter and to see whether any scheme of the kind contemplated by the Tariff Board is a practical proposition.

And that brings me to the very little I have to say to-day about the question of the reduction of railway rates. I think the view of the Government has been very clearly stated in the Resolution. If the authorities responsible for the management of the railways had before them a definite proposal for the establishment of the manufacture of chemicals at a suitable centre, and were satisfied that the firm in question had adequate capital, proper financial backing and adequate technical advice, then the question of reduction in freight rates becomes a pure matter of business. And just as the railways did at the time when the steel works were first established at Jamshedpur about the years 1910 to 1912 when substantial reductions of railway rates were given then for perfectly sound business reasons, so the authorities responsible for the railways, I have not the least doubt, if a concrete proposition were presented to them, would be prepared to consider it on the same lines. But what we have explained we cannot do is to reduce the railway freights in the manner recommended by the Tariff Board on the off chance of a hypothetical capitalist turning up to take advantage of it, because there the loss to the railways is certain and the advantage to anybody else is entirely problematical. We have explained also in the Resolution that a close examination of the figure:

shows that, although the Tariff Board hoped that the reductions in freight which they recommended would be sufficient to bring about the reorganisation of the industry at one centre, it is pretty clear, I think, that in themselves these reduction would not be adequate. A firm manufacturing on a large scale in the coalfields might still find it impossible to get into the Bombay market, because the Bombay firm, even though its costs were a little higher, would still have enough in hand to compete owing to the difference in the freight. Therefore it does not appear that the reorganisation advocated by the Board would in fact result from the reductions of railway freights in themselves. Therefore what the Government have put before the House to-day, Sir, so far as the chemicals dealt with in the Tariff Board's Report on the chemical industry are concerned, is the imposition of the duties recommended by the Board for a period of 18 months. And before the end of that period it will be necessary to take a final decision in the light of the inquiries to be made into the manufacture of super-phosphates, and any discussions that may take place between the manufacturers or between the manufacturers and Government as to the possibility of a reorganisation. All that the House is being asked to do to-day is to agree provisionally, for a comparatively short period, to these duties leaving a final decision to be taken at a later period.

Before I sit down, Sir, I must refer very briefly to another chemical which is included in this Bill, namely, magnesium chloride, although the recommendations about it are contained in a different report of the Tariff Board. The question whether magnesium chloride should be protected was considered at an earlier period by the Board at a time when I was connected with it. The Board then found that the case for protection was not made out, and the Government of India accepted that recommendation. But the re-examination of the question by the Board has I think made it clear that the firm engaged in the manufacture has succeeded in bringing down its costs to a point at which we may reasonably expect that at all normal periods when the prices have not been depressed for abnormal reasons it will in the long run be able to dispense with assistance. For that reason Government have accepted the recommendation of the Tariff Board as to the rate of duty which should be imposed and as to the period of years for which it should continue in force. I do not think that I need at this stage enlarge further upon that.

Sir, I move.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I feel I must congratulate the Honourable the Commerce Member on the exceedingly sympathetic speech which he has made on the protection of heavy chemicals. Sir, I must confess that I came in a very militant mood when I came to this House to-day, but the Honourable the Commerce Member has silenced most of the arguments that I wanted to put forward against his inaction for so long. Sir, I must trace back the history of the agitation of chemical manufacturing in India, and the Honourable the Commerce Member has said that the Tariff Board Report was submitted in 1929. At that time, the chemical industries were most anxious for protection and wanted some assurance of protection from Government. We on this side pressed upon Government to publish the Reports of the Tariff Board. Government took two and a half years or nearly three years to publish these books. I wonder if Government would at all have published these books had not the Honourable

[Mr. B. Das.]

the Finance Member come to the rescue of the Honourable the Commerce Member by putting on the heavy revenue duties that he did in the last Budget Session to meet his heavy deficit Budget. Then my Honourable friend, Sir George Rainy, found that it was no use shelving these Reports, as by these revenue duties which the Finance Member raised on heavy chemicals, there would be no objection on the side of those who objected to the grant of protection to the chemical industry in India, and therefore Government thought it worth while to publish these books.

I find that this protection that has been granted brings in only Rs. 1½ lakhs to the Government exchequer : that is a very small sum, not crores and crores as the steel protection brings to the exchequer. I am not going to quarrel with that small sum of money ; nor am I going to ask that that sum should be devoted to the development of chemical industries in India because it is a paltry sum.

In his masterly analysis the Honourable the Leader of the House said that Government have kept it in view that they will encourage the manufacture of super-phosphates and nitrates that are of so much use to the agriculturists. Of course the Tariff Board has pointed out that the soils in different parts of India vary and require different chemicals ; but whether the application of chemicals as manure will properly benefit and develop agricultural resources the Tariff Board is still doubtful. Whether the Agricultural Research Institute has got necessary staff with them and whether the different agricultural colleges in India are properly equipped to come to definite conclusions as to the utility of chemicals, phosphates and nitrates, as manures, it will take time for them to arrive at decisions and conclusions, and I still have my own doubts whether any standardised manure can be used all over India owing to the variations in soil. Yet I am glad that my friend, the Honourable the Leader of the House, has admitted that after one and a half years Government are going to look into the matter after they receive reports from the Agricultural Research Institute, and other experts, to give effect to that part of the recommendations of the Tariff Board ; and I do hope that financial conditions will permit the Honourable the Finance Member to reduce the heavy revenue duty that he put on last session, and that the Honourable the Commerce Member will see his way to introduce a Bill again in 1933 to allow the specific duties on heavy chemicals to continue, as has been done in the case of magnesium chloride, till 1939.

As to the observations of the Honourable the Commerce Member about the railway rates, although I have sympathy with him, running as the railways do at present at a loss, that he cannot induce the Railway Board or command them to reduce rates on the prospect that the new industry will be started and then certain revenue will come to the railways, I would only ask him to concede to this House and to the country the principle that the railways are public utility concerns and that whenever for the primary interest of the development of Indian industries, rates are to be reduced to the minimum, it should be the principle of the Government to reduce rates as it is done in British railways. If that is done, then I have no quarrel with him. I think the Tariff Board somewhere have mentioned that the British Government have placed a certain sum of money at the disposal of railways in England, whereby that sum goes to meet the lowering of rates in the case of chemical industries. I do hope in time, if owing to the economic crisis on the railways the Government cannot see their way

for the present to reduce the rates, the money collected through the protective duties on the heavy chemicals and magnesium chloride will be set apart and funded and that it will go to reduce the railway rates for the heavy chemicals.

Neither the Tariff Board nor the Honourable the Commerce Member is yet sure how the development of the chemical industry will take place in India. As far as I can see the future, I think the development will take place in three areas, Calcutta, Bombay and Madras. I do not think there is any possibility of Bombay selling all its chemicals to the Calcutta market or Calcutta selling all the chemicals manufactured there in the Bombay market. As provincial autonomy develops and as the economic development of the provinces gets localised, it will be difficult in future for one province or town like Bombay, situated as it is two thousand miles from Calcutta, to try to cater for the Calcutta market. So in the future development of protection of chemical industries and also fertilisers Government should so frame their protective policy that they will try to develop the chemical industries in localised centres; and from what I know of Calcutta chemical industries, I find that chemical firms with small amounts of capital have worked very successfully and they are making both ends meet. Whether they will come up to the standard which the Commerce Member laid down, of manufacturing 8,000 tons of sulphuric acid, that point has yet to be seen. But from what I can foresee, the chemical industries will develop on a small manufacturing scale in every province, especially in Bombay and Calcutta.

With these few observations, I finally entreat the Honourable the Commerce Member that he will not, after one and a half years, drop the matter—I know he will not be here then—but whoever his successor may be, I hope the Government of India will not drop the idea of giving full effect to this Report of the Tariff Board on heavy chemicals. In the past we have had experience that unless a Report is given effect to in all its complementary parts, protection does not become effective. My friend, Sir George Rainy, has himself admitted that unless all the recommendations of this Report are treated as a whole, no good will come out of it. I hope he will leave sufficient notes for his successor to give effect to these recommendations when the time comes for it.

1 P.M.

Mr. H. P. Mody (Bombay Millowners' Association : Indian Commerce) : I am afraid, Sir, the House does not seem to be frightfully interested just now in the heavy chemical or any other industry. The only reason why I am constrained to inflict myself on the House is that I would like to point out to Government that the duties proposed in this Bill are not calculated to help the heavy chemical industry. I make an exception in the case of magnesium chloride which if passed with the amendment I am going to propose will certainly help that industry, but as regards the other industries, I am afraid the protection proposed by Government will fail to meet the situation.

Sir, the position is that, as the Government of India have pointed out in the communiqué on the Tariff Board Report, sulphuric acid is the basis of all the chemicals which are mentioned in the Bill before us. Under present conditions the production of sulphuric acid is on an un-economic basis because of the limited quantity which is being manufactured.

[Mr. H. P. Mody.]

Therefore, what will happen will be that the chemical industry will find itself absolutely unable, until such time as it pushes up its production of sulphuric acid, to manufacture any of those other salts and chemicals for which additional duties are recommended. It was on account of this that the heavy chemical industry urged the Tariff Board to give them a bounty of Rs. 30 per ton on the production of sulphuric acid for a definite period. The Tariff Board unfortunately does not seem to have endorsed that demand and Government have not thought fit to come forward with that grant themselves. Therefore, the position is that so long as the various companies engaged in the manufacture of chemicals are in a position to make sulphuric acid on an economic basis, it will be impossible for them to manufacture the various salts and chemicals for which protection has been proposed. The period of protection is 18 months within which Government expect some sort of reorganization. I am afraid, Sir, that that period is much too short for the industry to organise itself in, and I hope that Government will not at the end of that period want to know what has actually been achieved in the way of reorganization, but what steps are being taken during this period to move towards a reorganization of the industry. If Government had thought fit to give the bounty of Rs. 30 per ton on sulphuric acid, then within the next few months the various companies engaged in the chemical industry would have found it possible to reduce their cost of sulphuric acid by increasing their production. It would have been a very substantial help to them, and that help would have materially assisted them in manufacturing the other chemicals for which sulphuric acid is the basis. That not having been done, I am afraid the heavy chemical industry is not going to derive any benefit immediately from the proposals now placed before us. It is really a matter of deep regret that Government could not see their way to help the heavy chemical industry by proposing a bounty of Rs. 30 per ton on the production of sulphuric acid, without which the industry will not be able to progress in any direction.

Mr. C. Brooke Elliott (Madras : European) : Sir, I have a few words to say, and an appeal to put to Government though I have not embodied it in the shape of a formal amendment, nor am I going to vote against the Bill. The reason why I wish to make an appeal is this. You will observe that in the Preamble to the Bill it is stated that it is expedient in pursuance of the policy of discriminating protection of industries in British India "*with due regard to the well-being of the community,*" to provide for the protection of the heavy chemical industry. Sir, amongst my constituents there is the Planting Community in Southern India which at the moment is very badly hit in rubber and is not too prosperous in tea just now. Sir, there is a chemical substance, namely, sulphate of copper embodied in the Schedule of this Bill with which I have personally not much acquaintance, but which affects large classes of Planters in Southern India. That substance is imported into Madras in considerable quantities. I might perhaps say that such information as I already possess I have placed at the disposal of Government in advance so that I should not be taking up a point for which they might be unprepared. I find that this substance is used practically for the sole purpose of spraying tea and rubber as a germicide. Any one who knows anything about the tea and rubber industries and natural products will know that they are subject to a number of pests.

In fact tea and rubber like human beings are full of disease. Sir, the object of spraying rubber and tea is not so much as to cure sickness as to procure health. That is the system in China, where you only pay the doctor when you are well and do not pay him when you are ill ; and that is the guiding principle which is adopted by Planters in Southern India. Now, Sir, this copper sulphate which has been imported in considerable quantities cannot, I understand, be used for any other purpose. I cannot imagine any one going to a Planter's bungalow and asking him for a drink, saying, " I would like a small copper sulphate ". Therefore, I don't think there is that danger. I am not inviting any one to allow this product in free of duty so that it may become more common for any purpose except as a germicide. I believe, so far as my information goes,—and that information is in the possession of Government Departments,—that this substance is used to a small extent in one or two minor industries. But, practically speaking, so far as copper sulphate is concerned, it comes into Madras in considerable quantities only as a germicidal agent. Of course when I say Madras I mean Southern India in general, and I think, coming to figures, it amounts roughly to a few hundred tons per annum. At the moment I am going to ask Government to favourably consider the cry of the distressed Planter, not merely because he is a Planter, but because he employs a great deal of labour, and at the present moment when a good deal of labour is being dispensed with on their estates in Southern India, anything which will enable a Planter,—and labour is employed to a considerable extent in spraying,—to employ labour will be a relief to that excellent person, the Tamil coolie of Southern India, to whom I always take off my hat, as he is a very fine example of what an agricultural labourer should be and one who has contributed enormously to the benefit of Ceylon,—I was in Ceylon for a long time—and also to that of Southern India. Sir, I am not going to move an amendment, nor am I going to vote against the Bill. I am only going to put in an earnest plea and invite Government to give our Planters an assurance that they will consider sympathetically this question of exempting from duty this chemical substance which is almost entirely used as a germicide. I do not know what quantity of copper sulphate is being manufactured in India. My information is that if anything, it is very small. I have read very carefully all that was said about it in the Report of the Tariff Board, but that was some time ago ; but apparently even then it was not regarded as a substance which was to be manufactured in any large quantity. Even so, if it is manufactured in Bombay or Northern India, I am informed that the cost of carriage, by sea or the railway freight, on these chemical substances from Bombay or Karachi or from any other place in Northern India to the planting districts in Southern India work out to as much as from 40 to 60 rupees per ton. That is also a matter which I would like to bring to the attention of the Honourable the Leader of the House. My appeal is simply this. This Act is merely tentative. As the Leader of the House has very clearly put it to us, the whole question is under consideration, and I would merely ask whether the Government in this time of unparalleled stress and distress in the rubber industry will give us some substantial relief, possibly under the provisions of the Sea-Customs Act, or by some other form of administrative action with which the Leader of the House is much better acquainted than I am myself. The planter is quite ready to pay the duty under ordinary conditions and do his bit to establish the chemical industry in India ; we are heartily in support of the whole of that policy,

[Mr. C. Brooke Elliott.]

and this is only a plea put in by me owing to the very real stress and distress under which the planting industries in southern India to-day are labouring.

One last point—and that is this. The rubber tree is the most magnificent vegetable product in the world, and if you injure these valuable trees and disease sets in,—and disease *does* set in, as I have seen on many rubber and tea estates both in Ceylon and in Southern India—and if disease is allowed to go on unchecked, because people cannot afford to buy copper sulphate for spraying purposes, an enormously valuable asset for future Chancellors of the Exchequer in India is going to waste. For if disease really settles in and pests once become securely established, when rubber rises again and tapping is resumed, you may find that it is not possible to recondition your most valuable asset, namely, the bark on the tree, or the tea-bushes, from which you ordinarily can get such excellent results, if the estates are healthy.

I apologise for the length of my remarks, but I have had a very urgent representation made to me to press this point upon the Government of India by the Planters in Madras, and that is my apology, if apology were needed, for pressing the claims of Madras upon the Government and for occupying the time of this House, and for asking finally for what I might perhaps call a “gleam of Rainy Sunshine” in our hour of sore trial.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. K. P. Thampan (West Coast and Nilgiris, Non-Muhammadan Rural) : I wish to make a few observations on this Bill from the viewpoint of the agriculturists, but before doing so I may at once say that I associate myself with my Honourable friend, Mr. Mody, in the remarks that he made regarding the manufacture of sulphuric acid. Sir, anyone who has read the report of the Tariff Board on the chemical industry will find that the minimum quantity of chamber sulphuric acid on the basis of which they have calculated these figures is 4,000 tons. So far as I know, there is not one single factory in the whole of this country which is at present manufacturing that minimum quantity. When the Tariff Board made their inquiries, there was only one factory in Bombay. I believe it was Dharmsey Morarjee and Co., which manufactured about 1,200 tons of sulphuric acid and they worked at an enormous loss. As long as there are no manufacturing units which turn out the minimum quantity, namely, 4,000 tons of chamber sulphuric acid this duty will not give any kind of protection. What the Government ought to do therefore is to foster that industry as it is the basis of all chemical industries, either by giving bounties or some other kind of financial help. If that is not done, the measure before the House can be treated only as one for revenue purposes.

Coming to the subjects that are of interests to agriculturists in this country, there are two kinds of artificial manures dealt with in the Report

of the Tariff Board—ammonium sulphate and super-phosphate. I am myself a practical agriculturist and I have tried demonstration plots with these two manures. They are both very useful things. I must, however, say, that with reference to ammonium sulphate, the attitude of the manufacturers towards the ryot is not fair and warranted. The cost of manufacturing one ton of ammonium sulphate is only about Rs. 100, but it is distributed at the rate of Rs. 160 a ton. Over and above this, the ryot in the villages has also got to pay trainage from the nearest port of entry and incur the charges for carrying it from the railway station to the village. I am told that in England the price of one ton of ammonium sulphate is only Rs. 136. The whole distribution is entrusted to a combine and it is they that do the mischief. There is no reason why this should be allowed and until and unless the Government interfere in the matter and make the manufacturers concerned distribute the manure at a favourable rate, they would not deserve any kind of protection at all. That is, Sir, my humble opinion.

With reference to super-phosphate, the Government in their Resolution say that :

“ It is by no means certain that the super-phosphate represents the best or the most economical form in which Indian salt deficiency in phosphates can be supplied.”

The Directors of Agriculture in the provinces have tried experiments with this, as also the fertiliser companies. I have tried them myself. The net results are shown in Appendices 4 and 5 of the Report. There is a minimum increase in the nett profit of more than Rs. 13 per acre on paddy cultivation. In my own experiment I got, after deducting the cost of fertilisers, a nett profit of Rs. 23 per acre. There are 8 million acres under paddy cultivation in this country, and you can easily imagine the benefit the nation will get if these manures are made available at a cheaper rate. At present it is beyond the reach of the ordinary ryot to go in for these artificial manures. In this unfortunate country we have been raising crops without applying sufficient manure and depending upon the bounty of mother earth. On account of deforestation that is going on on a large scale and the increasing area under cultivation, the ryots find it difficult to get an adequate supply of green manures or farm manures, and the only solution of our agricultural indebtedness is a sufficient supply of artificial manures. Until and unless the manufacture of these artificial fertilisers is encouraged and fostered, a measure of this kind will not benefit the nation. The Honourable the Leader of the House said that in the absence of any factory that makes super-phosphates in the country Government would not be justified in offering any bounty. I beg to differ from him. It is quite the other way. It is the bounty that will encourage this industry. If the Government undertake the payment of bounties at the rate of 12 annas per cwt. as recommended by the Tariff Board, then I am sure the factories will certainly take to the manufacture of super-phosphate. There are also other methods of help and unless the Government take up the matter seriously and explore all avenues for the development of this industry, as early as possible, they will not be justified in calling a Bill of this kind a measure for the protection of chemical industries.

Mr. Bhuput Sing (Bihar and Orissa : Landholders) : I beg to offer some remarks on this motion of the Honourable the Leader of the House. It is stated that the case for protection of the national chemical

[Mr. Bhuput Sing.]

industry rests primarily on sulphuric acid, for it is of supreme national importance. It is said that the civilisation of a country is measured by the consumption of sulphuric acid in that country. As a key industry whose products are used in many other local industries, it is indispensable for purposes of national defence and it provides an essential foundation for chemical research in industries, such as artificial silk, dyes and many other industries and also in agriculture. It is also stated that the market in India is sufficiently large for the production of chemicals locally on an economic scale. Again, it has been said that India possesses several of the raw materials required for the chemical industry. Again the machinery used for the manufacture of chemical products is simple in operation and can be easily handled by Indian labour. Also fuel which is an important item in the cost of many chemicals is found here in abundance, especially near coalfields and the places near them are in a position of considerable advantage. But notwithstanding all these facts, the Government have for the present turned down the recommendations of the Tariff Board in the matter of the protection of the heavy chemical industry of this country by a recent Resolution of their own. The Government have instead introduced their own proposals and have indicated some lines in which they need further light and information on the subject. The Government proposals for placing protective duties on some of the heavy chemicals enumerated in the list will, I am afraid, prove no great incentive either to the reorganization or to the development of the Indian chemical industry. Protection may for the time being afford some relief to the national industry in the competition market, but the extent of that relief will not be so great as to be widely appreciated in the present struggling position of that industry. To my mind if the proposal of the Tariff Board by which they advocated the subsidisation of the industry by reduction of railway or inland steamer freight charges were accepted, it would have gone a great way towards the reorganization of the industry, as that would have proved an impetus to the combination of the manufacturing firms at one or two big centres, from where the reduced freight charges were to have been afforded and thus have enabled the manufacturing firms to distribute their products *only* from those places. But as that proposal yet remains an uncertainty, the impetus to their combination proves quite effectual for the time being.

Next, Sir, in the present distressing condition of our finances I cannot bring forward before the House the question of giving a bounty to the industry, although I feel convinced from a study of the Report of the Tariff Board that its regeneration is impossible without direct State-aid. I hope the Honourable the Leader of the House will consider the proposal of a bounty when better times come, and will agree to some form of bounty being given to those industries.

Dr. F. X. DeSouza (Nominated Non-Official) : Sir, I should like to claim the indulgence of this House just for a few moments in connection with this Bill. I would associate myself with the plea put forward by my Honourable friend, Mr. Elliott, asking for the exemption of copper sulphate from the proposed tariff. As he told this House, copper sulphate is very largely used in the planting districts as a germicide. He confined his remarks mainly to rubber and of tea. But, Sir, he did not mention that with

regard to office, which is another very valuable planting product in Southern India, copper sulphate is more than a germicide; the latest experiments in the Coffee Experimental Farm in Mysore show that it is a virtual panacea for all the diseases to which the coffee tree is liable. It is a preventive against leaf diseases; it is a preventive against black rot; it is a preventive against die back. More than that, it is a fertiliser of the highest value. Applied as a spray, experiments during the last few years show, according to Dr. Leslie Coleman, that it has the effect of increasing the production by 2 cwt. per acre. The price of coffee is about Rs. 50 per cwt., and you can imagine, Sir, that an increased production of 2 cwt. per acre means an increase of profit by Rs. 100 per acre. Sir, the results of these experiments have been so widely advertised, thanks to the efforts of the Agricultural Department in Mysore, that the effect of propaganda in favour of spraying has been that whereas the acreage which was sprayed three years ago was as low as 500 acres, to-day it is as high as 5,000 acres. Sir, when copper sulphate is so extensively employed as a curative and a fertiliser, and the planter by its means is unable to tide over a period of distress, is this the time to add to the tariff by 1 think Rs. 3 per cwt. ? The United Planters' Association in Southern India assembled in Bangalore.

Mr. S. G. Jog (Berar Representative) : On a point of order, Sir. Has any amendment been moved ?

Mr. President : No amendment has been moved, but that does not take away the right of Honourable Members to criticize the Bill.

Dr. F. X. DeSouza : Sir, I do not wish to vote against the Bill, but I simply want Government to take into consideration the case of coffee, in which a large number of planters in Southern India are interested. Well, Sir, the Planters' Association of Southern India, assembled in a meeting last month, I think, in Bangalore, unanimously passed a resolution praying the Government of India that they should remit the *ad valorem* import duty. I believe that their resolution and the representation which they have made to the Government of India are on the files of the Secretariat of the Government of India. While therefore the planters of Southern India are anxiously waiting for a favourable reply to their representation that the *ad valorem* duty should be removed, the Government of India are going to answer them by levying an extra duty of Rs. 3 per cwt. ! Sir, ...

Mr. B. Das : There is no extra duty. This duty is already on.

Dr. F. X. DeSouza : I take it, Sir, that this tariff is to be over and above the import duty ?

The Honourable Sir George Rainy : No, Sir, I think perhaps I should make the matter plain to the Honourable Member. The specific duty proposed by the Tariff Board will be an alternative to the *ad valorem* revenue duty, and whichever is the higher will be imposed. According to my information, the two duties are almost identical in amount at present.

Dr. F. X. DeSouza : Whether it is higher or lower, the Planters' Association assembled at Bangalore asked that the import duty, whether it is *ad valorem* or protective, should be remitted. They have asked for bread, and will the Government of India give them a stone ? That is all I wish to say.

Mr. C. Brooke Elliott : I rise to make a personal explanation only. I spoke before on behalf of Planters connected with tea and rubber. But

[Mr. C. Brooke Elliott.]

I should not like it to be thought that I only spoke on behalf of tea and rubber, because I did not enumerate the other products. I spoke on behalf of all Planters and all products affected by the duty on sulphate of copper in the Madras Presidency.

The Honourable Sir George Rainy : Sir, there are only a few points in this discussion to which I need reply. My Honourable friend, Mr. Das, expressed the hope that the duties imposed on chemicals would be funded and used in aid of a reduction of railway freights on the analogy, I think he said, of what was done in the United Kingdom when the local and municipal rates on railway property were remitted on the condition that the railways passed on the benefit to certain industries in the shape of a reduction of freight. Well, I think my Honourable friend himself recognizes that the Honourable the Finance Member might find certain difficulties at the present moment in agreeing to a proposal of that kind. But in any case I am afraid that the extra revenue we are likely to get from the duties will only be a drop in the bucket compared with what we should lose if we reduced freights on the lines recommended by the Tariff Board. I am afraid therefore that at the moment it is not a practical proposition. Then my Honourable friend made it clear that he thought that it would be on the whole better if the industry remained localised rather than become centralised so that we should have not one manufacturing firm at one centre, but a number of firms established at two, three, four, five or six different centres. The only reply I can make is to repeat again what the Tariff Board said, namely, that they had no hope for the future of the industry if that state of things continued. At any rate this much is true that if we are to proceed on those lines, then almost everything depends on the practicability of manufacturing super-phosphates in India, so as to get a larger output of sulphuric acid. In that case the question of the reduction of railway rates loses a great deal of its importance.

My Honourable friend, Mr. Mody, pressed the view that the Bill would do very little to help the manufacturing firms, and what he wanted was a bounty of Rs. 30 per ton on the production of sulphuric acid. Whatever the merits of that proposal may be, they certainly did not commend themselves to the Tariff Board, for I do not find that the Tariff Board had much, if anything, to say on the subject. I know my Honourable friend will recognise that it is impossible for Government to adopt an entirely new plan of this kind in substitution for what the Tariff Board has recommended. Another point that he made was that he doubted whether, within a period of 18 months, the industry would have sufficient time to reorganise itself on the lines suggested. That I think is very likely true. But what I hope to ascertain during that period is whether the will to reorganise is present. If it appears that there is a real desire and intention to reorganise, subject no doubt to certain conditions as to the assistance that Government might be in a position to give, then the position would be hopeful ; and whoever may fill my place when that time comes would, I have very little doubt, take that view.

Now, Sir, my Honourable friend, Mr. Thampan said—and he emphasised a point taken by my Honourable friend, Mr. Mody—that there was very little hope that these duties would do much good to the industry because these duties implied that the manufacturing firm could reach an output of 4,000 tons a year of sulphuric acid, and that no firm could do that at present. But the point I should like to put is this. What is the reason why

no firm in Bombay can reach that output ? As far as I can see, the reason is that there are more firms than one. If there was only one firm efficiently managed, and they pushed their production, they could reach that output, and on that basis the Tariff Board made their recommendation. The protection was not calculated on the scale of keeping two or three firms alive in an area where there is room for only one.

Then again my Honourable friends, Mr. Thampan and Mr. Bhuput Singh had a good deal to say about manures and criticised Government for not taking immediate action to grant a bounty to the manufacturers wherever possible. I should like to explain in a sentence or two why I am doubtful whether this scheme for the manufacture in India would result in lower prices for the cultivator. The point is this, that if you start on the basis that Government assistance is required to enable a firm in India to carry on manufacture at all, obviously in the interests of their shareholders the Directors must try to obtain the highest prices they can for their products. And, therefore, unless competition comes from some other quarter, it does not seem very likely that the bounty scheme will result in a reduction of prices.

Finally, I must turn to the point which was raised by my Honourable friend, Mr. Brooke Elliott and was also touched upon by my Honourable friend, Mr. DeSouza. I think it would be extraordinarily difficult in connection with this Bill to agree to an amendment leaving copper sulphate out of the scheme. And I say so particularly for this reason that we have to consider not only the new specific duty which is definitely protective, but also the old *ad valorem* duty, but it is quite definitely revenue. That duty has been in force for a long time. Undoubtedly any industry is entitled to come to Government and say that this particular duty is pressing hard upon them and ask Government to see if they can do anything to lighten the burden, and most certainly it is the duty of Government to give such representations the fullest consideration. But in connection with this particular Bill, if I were to accept any suggestion for removing the duty now, I should certainly be interfering with the protective scheme, and I should also be giving up revenue which Government can ill spare.

My Honourable friend, Mr. DeSouza referred to a Resolution of the United Planters of Southern India, and I can promise him that that will be fully considered, but to the best of my knowledge and belief it has not yet come before me while I am clear that the question cannot be dealt with in connection with this Bill, I can certainly promise that the matter will be very carefully and fully considered, for we recognise that the rubber industry at present is in special difficulties and no one desires that the rubber plantation should fall into a condition which would make it very difficult for them to start again if there was a recovery in the price of rubber. I cannot say more than that at present, but I do promise that the matter will be fully considered.

Finally, as I have already explained in reply to my Honourable friend Mr. DeSouza, so far as this particular chemical is concerned, the addition in the tariff schedule of the specific duty to the revenue duty makes practically no difference at all in the level of the duty at present prices.

Mr. President : The question is :

“ That the Bill to provide for the protection of the heavy chemical industry be taken into consideration.”

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. H. F. Mody : Sir, I beg to move :

“ After clause 3 of the Bill, the following new clause be inserted :

“ 4. If the Governor General in Council is satisfied, after such inquiry as he thinks necessary, that magnesium chloride chargeable with duty under item No. 141B, as above inserted in the second Schedule to the Indian Tariff Act, 1894, is being imported into British India at such a price as is likely to render ineffective the protection intended to be afforded by such duty to the manufacture of magnesium chloride in India, he may, by notification in the *Gazette of India*, increase such duty to such extent as he thinks necessary.”

I bespeak the sympathy of the House for my amendment and I hope the very feeling heart of my Honourable friend, the Commerce Member, will respond actively to my appeal on behalf of an Indian industry. I should like to make it clear that the increases which have been sanctioned this afternoon in the heavy chemical industry and the particular increase in the duty on magnesium chloride will affect the industry which I represent in that it will send up the price of such chemicals and acids as the mill industry is using. But I must recognise, as every millowner

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does, that if the mill industry comes before the House on occasions to plead for a measure of protection, other industries have a like claim, and even though the mill industry may be affected to a certain extent by such claims on behalf of other industries, it has to pay the price, and has to support such claims.

Sir, all that my amendment seeks to do is to carry out the recommendation of the Tariff Board and to make the protection proposed by my Honourable friend the Commerce Member effective. The Tariff Board say at page 13 of their Report :

“ But more important than the imposition of a substantial protective duty is the necessity of providing against violent fluctuations in import prices, whatever may be their cause. As we have already indicated the course of future prices is entirely uncertain, and we therefore recommend that as we have proposed in the case of the heavy chemical industry, legislative provision may be made for the imposition of additional duties to offset any decline in import prices.”

The position is briefly this : that there is a very powerful organisation which controls the output of chemicals. That organisation is established in India, as it is established throughout the world, and its position is impregnable. That organisation since the establishment of the magnesium chloride industry in India has continually brought down its prices, with a view to offset the competition of the Indian industry ; and as a matter of fact it will interest the House to learn that the price charged in Great Britain by the same combination is much higher than the price charged in British India, in spite of the fact that the freight and other charges to Great Britain should ordinarily be much less than those which would apply to imports into British India. I will read one or two extracts from the Report of the Tariff Board : the first one says :

“ It will be observed that the price in India is by far the lowest and it appears not improbable that an abnormally low price has been fixed in India in order either to destroy or to bring to terms the Indian industry.”

And they say further on :

“ We have been informed by the representative of the Havero Trading Company that the present price of imported magnesium chloride is not a remunerative price to the manufacturer and it is doubtful whether a c. i. f. price of £3-19-0 per 1,000 kilos leaves the manufacturer any margin of profit. This is borne out to some extent by the

proposal contained in the draft agreement, dated September, 1927, between the Haverø Trading Company on behalf of the Syndicate and the Pioneer Magnesia Works."

Still further on they say :

"We are, however, satisfied that the price is considerably below what would be charged, were it not considered necessary to restrict the activities of the Indian industry."

The sum and substance of these and other expressions of opinion on the part of the Tariff Board is that the price in India is regulated by the necessity of meeting Indian competition, that in Great Britain and other places it is much higher, and that the powerful organisation which is in control of magnesium chloride and other chemicals is in a position not only to bring down its price to Rs. 3-4-6, but even to Re. 1-4-0, if it so chooses, which would be a matter of very little moment to them, but would be a matter of life and death to the Indian industry. Further, if Members have studied this Report, they will find that in a very recent case this has actually happened, when the foreign manufacturers submitted to a firm outside Bombay a price which was ruinous, and to which the Indian industry had to bring itself down in order to retain its custom. Therefore, all that my amendment seeks to do is that in the event of dumping, in the event of this combination bringing down its price in order to snuff out of existence the Indian industry, the Government of India should have the power without further reference to the Legislature to raise the duty to the extent of the reduction in price. I am not suggesting anything very novel. That precedent has been established in the case of a much bigger industry, namely, the steel industry ; and I think it is very essential, if the Government of India desire that the protection that they are seeking to offer to the magnesium industry should be effective, that they should also have the power to prevent dumping. As the House is aware, it is not possible for the legislature to take early action in the event of ruinous prices being quoted in the Indian market ; and under those circumstances I plead that the House, and more particularly in this case the Honourable the Commerce Member, will see not the slightest objection to my amendment which seeks to make effective the protection which is being offered to the magnesium chloride industry.

Mr. B. Das : I rise, Sir, to second the amendment which my Honourable friend, Mr. Mody, has moved. He has advanced such well reasoned arguments in support that I have nothing to add. I hope my Honourable friend the Leader of the House will accept it.

The Honourable Sir George Rainy : Sir, I am deeply touched by the great confidence the Honourable the Mover and his supporter have in the wisdom of those of us who sit on these Benches, and their belief in our capacity to administer a power which most Legislatures would jealously reserve for themselves. It makes me feel that some of the attacks which we occasionally hear are intended in a purely Pickwickian sense and that we need not take them too seriously.

I am not going to oppose this amendment on any ground of principle. It would be impossible for me to do so. The power to impose additional duties first found a place in the Steel Industry (Protection) Act, 1924, and a recommendation was made to that effect by the Tariff Board when I was the President of the Board. It is a power that has only once been used in connection with steel, when an additional duty was imposed on galvanised sheets last year. I was not very sure from the debates which then took

[Sir George Rainy.]

place whether a number of Members did not think that the power had not been wisely used. However there it is. But I would like to make this clear to the House, that it is not a power that the Government are anxious to have in their hands and they think it is better that the power should not find a place in the Act, unless there are very cogent and convincing reasons why they should have that power. One main argument in support of vesting a power of that kind in the executive Government is that irreparable damage might be done to an industry by a sudden fall in the prices before the Legislature could be assembled to deal with the matter. It is quite true that in the past in the case of magnesium chloride there have been very wide fluctuations in prices. But I believe that during the last three years the prices have been comparatively steady, and that there have been very few changes. Also Government took into account the fact that the magnesium chloride industry is not one in which irreparable damage can be inflicted by a comparatively brief period of low prices, and since the Indian Legislature commonly meets twice in the year, the longest period that could elapse would be about six months. I should like to read a very brief extract from the Report of the Tariff Board in 1925 on this subject. In paragraph 28 it is said :

“ Nor can it be pleaded that the continuance of the industry is necessary on national grounds. If, for any reason, supplies from Germany were cut off, there would be no difficulty in re-starting the industry at short notice. This was abundantly proved in 1915-16, and there is no part of the necessary plant which could not readily be improvised from materials obtainable in India.”

It is a comparatively minor industry in which the amount of capital invested is quite small. As the Tariff Board said, even if it had to shut down for a year or two, it could easily start again.

Now, having said so much, I do not feel that I can fully accept my Honourable friend's amendment. But I will say this that if it is the general desire that Government should have the power, and this may be shown by the result of the division, Government will accept the decision of the House.

Mr. S. G. Jog : Sir, though the subject under discussion before the House is not in my line, yet I have been taking an interest in magnesium chloride, and I have brought myself into line with the subject. So far as the amendment moved by my Honourable friend, Mr. Mody, is concerned, it is a very good provision, and it has been recommended by the Tariff Board. In fact, the recommendation of the Tariff Board is the soul of the recommendations that have been proposed. The Government of India have readily accepted the first and the second proposals, but they have rejected the third one. Now, I find from the sympathetic attitude of the Honourable the Commerce Member that if the House agrees, the Government will have no hesitation in incorporating in the Bill the power of making inquiries from time to time as circumstances arise, and this is very satisfactory indeed. I must particularly thank the Commerce Member for this attitude, because on the last occasion the Assembly desired that in any of Government's measures the Government, who are often described as the wicked Government, or the wicked executive, should not reserve to themselves the executive powers of interfering with other things. Now an amendment has been brought forward by an Honourable Member from the popular side, by a prominent commercial magnate, and when he makes the proposal that such a power should be reserved to the executive Government, I think the Government ought to accept the proposal, and even in this

wicked Government I am prepared to put my faith so far as the incorporation of this measure goes. If the Government are actuated by the real motive of giving protection to this industry, let the protection be real and effective. If you will read the Report of the Tariff Board, you will find what sort of attempts have been made by foreign companies to crush the Indian industries. It is a story worth reading, worth studying, as to how these foreign companies have tried to crush the small industries, and the necessity of Government coming forward and granting liberal and real protection to these small industries is all the greater. I have no hesitation, therefore, in requesting the House to support the amendment of my friend, Mr. Mody, particularly when the Government are also willing to accept it.

Mr. President : The question before the House is :

“ That after clause 3 of the Bill the following new clause be inserted :

“ 4. If the Governor General in Council is satisfied, after such inquiry as he thinks necessary that magnesium chloride chargeable with duty under item No. 141B as above inserted in the second Schedule to the Indian Tariff Act, 1894, is being imported into British India at such a price as is likely to render ineffective the protection intended to be afforded by such duty to the manufacture of magnesium chloride in India, he may, by notification in the Gazette of India, increase such duty to such extent as he thinks necessary ”.

The amendment was adopted.

New clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir George Rainy : Sir, I move that the Bill, as amended, be passed.

The motion was adopted.

THE PROVISIONAL COLLECTION OF TAXES BILL.

The Honourable Sir George Schuster (Finance Member) : Sir, I beg to move that the Bill to amend the law providing for the immediate effect for a limited period of provisions in Bills relating to the imposition or increase of duties of customs or excise, be taken into consideration. This, Sir, is a Bill which amends and replaces the existing Act on the subject. I have already explained that the chief purpose of the Bill is to extend the period during which collection can be made provisionally at enhanced rates from 30 days, which is the period under the present Act, to 60 days. I have already explained to the House the reasons for asking for this extension, and I trust that Honourable Members from their own experience will agree with us that the extension is desirable.

Apart from this, the Bill effects certain very minor changes in the existing law. There are four changes effected by the Bill. In the first place, the existing Act could be applied to a complete Bill, but not to individual provisions of the Bill, or when I say the existing Act I should have said the original Act of 1918. By an amendment of 1923 a new section was introduced to enable the Act to be applied to individual provisions. The present Bill is drafted so as to make that particular provision clearer. It defines a “ declared provision ” in clause 2 and provides for the immediate effect of any declared provision that is provided in clause 3. That is the first point.

[Sir George Schuster.]

The second point is that in the present Act "immediate effect" implies effect from the date of introduction, and there has been some doubt as to the exact legal meaning of the words "from the date of introduction". Therefore, in the present Bill we make it clear that "immediate effect" means effect immediately on the expiry of the date of introduction. There was, as I say, some doubt on the subject. It was formerly held that "from the date of introduction" included the actual day on which the Bill was introduced, but two years ago a contrary interpretation was given, and it was held that the expression excluded the actual date on which the Finance Bill was introduced. We wish now to clear up any possibility of doubt on the subject, and therefore we have made it quite clear that from the date of introduction means from the next day to the day on which the Finance Bill is introduced. That is the second point.

The third point is that the existing Act, if applied to all the provisions of a Bill, as in fact it must be applied if the Bill is declared to be a Bill for application under the Act,—if so applied it affects any imposition or variation of a tax so that it would give immediate effect to a reduction of a tax as well as to the increase of a tax. It is inconvenient that the reduction of a tax should come into effect at once, and there is no reason from the revenue point of view that it should be so. So, in the new Bill the provision is designed only to apply to the imposition or increase of a tax; the provision reducing a tax cannot be made a declared provision. That is my third point.

The fourth point is that under the existing Act, if a Bill is so modified in the Legislature as to reduce the tax to a rate lower than that which was in force prior to the introduction of the Bill, refunds are made on the basis that the tax had been reduced on the date of the introduction of the Bill to that lower level. Under the new Bill, refunds are limited to the difference between the rate proposed and the rate actually in force when the Bill was introduced. That again is a provision the reasons for which would be apparent to every one. That, Sir, is all that I need say in explanation of the Bill at this stage. I therefore move that the Bill be taken into consideration.

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir George Schuster : Sir, I move that the Bill be passed.

The motion was adopted.

THE FOREIGN RELATIONS BILL.

Mr. E. B. Howell (Foreign Secretary) : Sir, I beg to move that the Bill, to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Governments of Foreign States, be taken into consideration.

It always seems to me, Sir, that when the force of circumstances compels the representative of the Foreign and Political Department to come before the House with a request, as I do now, he must necessarily appear before them at a considerable disadvantage. If I may, I will try to explain why he is at a disadvantage. He stands before them as the representative of the Foreign and Political Department. I should like with your permission to examine that departmental label a little more closely. Let us take the second half first, Political.

The word has, somehow, in current usage in this country, acquired a somewhat sinister connotation. (Laughter.) That connotation is, as I think, wholly undeserved, but the fact is undeniable. The word has passed into other languages, and in some of these this tinge stands out perhaps more clearly than it does in English. If I have your permission, I would like to give an instance or two. In that delightful dialect which is spoken in the streets and *mohallas* of Peshawar city and, so far as I know, is practically confined to them, if one man says of another "*O Vada political shakhas hai*", the expression is highly defamatory. I cannot put it into English otherwise than bluntly. It means, "He is a great rogue". (Laughter.) If the House will bear with me, I will give one other illustration, drawn from my experiences in Iraq. An Arab Shaikh of my acquaintance in that country, whom I knew well, once regaled me with a recital of the steps by which he had gradually risen to the position that he then held, that of the head of his tribe. It was, impartially considered, an appalling catalogue of blood and treachery, but he did not seem to think that it required any apology. He brought his narration to a crisis in his fortunes, when he had induced a party of very doubtful supporters to follow him into action against a band of undoubted opponents. Battle had been joined and the bullets had begun to fly. At that point he made a dramatic pause in his story. I said—in the funny Arab—i.e., that obtains in Mesopotamia—*Wa ba'd dhâlik enta 'she suwait, ya Shaikh ?*". It means, "Well, Shaikh, what did you do then ?" He replied, "*Ana Suwait politk, Amhazamat*". That means, "I did a great political stroke, I ran away". (Laughter.)

Well, Sir, there may be no moral turpitude in the act of running away, but it is not the sort of thing about which most of us, especially in such circumstances as those depicted, would care to boast. So much for Political. But before I leave that half of my label, I should like to explain that the Bill to which I have the honour of standing sponsor has nothing whatever to do with the Indian States and in no way affects the publication of any statements regarding their rulers.

Having thus disposed of Political, we now come to Foreign. Well, Sir, what does the average citizen of this country or any other country in the British system know or care about foreign affairs except that if he wishes to travel abroad he has to acquire a thing called a passport ? He does not understand the necessity for this, and he thinks that it is rather a nuisance. Having got his passport, he has to go through other formalities in connection with the procuring of endorsements and *visas*, to obtain admission to the countries to which he desires to go. As I say, these things generally seem to him unnecessary, tedious and vexatious. But if he should make up his mind that there is perhaps more in this matter of foreign affairs than this and try to learn about them and take

[Mr. E. B. Howell.]

an intelligent interest in them, I am bound to admit that this House, under its present constitution, he finds very little encouragement. The rules of the House do not permit him to put a question or frame a Resolution in any way affecting foreign relations—or for that matter political relations with Indian States either—and yet though he has thus been as it were warned off the ground, and perhaps has learnt to look askance at those who tread on it, the high priest of these mysteries apparently thinks himself justified in coming forward, as I am compelled to do on the present occasion, and in the name of foreign and political relations, extending to him a bland invitation to do something of which he has had no opportunity to judge the expediency for himself and which he may be not naturally disposed to do. That, Sir, is the position and that is why I feel myself at a disadvantage on the present occasion. I will be completely frank, for that, I think, is the best remedy for this state of affairs and by adopting an attitude of complete frankness I shall, I hope, be able to dispel the fog of suspicion which I think,—I hope I may be wrong—I see hanging over some of the Benches in this House.

In the first place let me explain that according to constitutional theory, if I understand it correctly, diplomacy and foreign relations are an appanage of the Crown, and technically all foreign relations, no matter to what extent they may be conducted through or guided by the views of a high officer like the Viceroy and Governor General of India, are the foreign relations of His Majesty and of His Majesty's Government, and fall within the sphere of His Majesty's Principal Secretary of State for Foreign Affairs. If I may anticipate for a moment, Sir, under the new constitution of India, as foreshadowed at the Round Table Conference, it was agreed that external affairs should for a time be a reserved subject for which, as for defence, the Governor General should be responsible, but that he should have a representative in the Federal Chamber for the exposition of his policy and his views on this subject. The Prime Minister himself declared that it would be a primary concern of His Majesty's Government to see that the reserved powers were so framed and exercised as not to prejudice the advance of India through the new constitution to full responsibility for her own Government. In this debate therefore and in calling upon Members of this House, as they must in weighing the Bill before them, to take into account considerations of foreign policy, I am as it were asking them to take a mortgage on the future and to anticipate the expressed intentions of His Majesty's Government.

Next, let me run through the provisions of the Bill. It is a very simple measure containing only five clauses, and the effect of them is to render liable to prosecution, but only on the complaint of Government, any person who publishes any statement likely to promote unfriendly relations with foreign governments. Any person convicted of this offence may be sentenced to undergo two years imprisonment and to fine, and any published matter which may be declared to promote such relations may be forfeited and its passage through the post may be prevented. The last clause of the Bill makes it take effect from the 8th April last,

the date on which the Foreign Relations Ordinance, which it supersedes, was promulgated. The Bill contains no provision for the taking of security, for the suppression of any newspaper or the confiscation of any press.

In a recent debate in this House, my friend the Honourable Mian Sir Fazl-i-Husain pointed out to an Honourable Member, whom I see sitting opposite, following my remarks with an attention, which I suppose means that he is shortly going to challenge everything that I have said,—Sir Fazl-i-Husain pointed out to that Member that if he were suddenly told that he had been condemned to death, the Honourable Member would, as they say in cinema circles, probably register resentment and annoyance. But if he were merely told that death is the common lot of humanity in which he and all of us must share alike and that we together with “Golden lads and lasses must, like chimney sweepers, come to dust”, he would probably accept being condemned to death in this sense quite good-naturedly and contentedly.

Well, Sir, the same is the case with regard to the provisions of this Bill. It is based upon the common law of England which, so I am told, usually prevails in the Dominions and Colonies. I speak with diffidence on this aspect of the matter, as I am no lawyer, and there are others in the House who will deal with the legal issues in a far more competent fashion than I can. I have however been more than once asked by Honourable Members of this House in conversation “Under what statute would such action as the Bill now before the House proposes to penalise be punishable in England?”. To this I can only reply that there is no statute in England which deals with this, but it is none the less an offence punishable under the common law. The absence of a statute does not mean that the offence is regarded as trivial or negligible. There is no statute in English law, I believe, making punishable the offence of murder which, I suppose, is the most serious crime that any human being can commit. Part of the common law of England has been reduced to statute form, but part has not, and the fact that any given offence, such as the making of malicious attacks upon the head of a foreign government or committing murder does not figure in any statute, does not mean that these acts are regarded as trivial or unimportant. The common law of the United States of America is the same as that of the United Kingdom. In Canada the common law has been reinforced by specific enactment, which was brought into force so recently as 1927. As regards foreign countries, I have found that similar provisions exist in the legal systems of Brazil, China, Columbia, Costa Rica, Egypt, Finland, France, Greece, Guatemala, Holland, Italy, Japan, Persia, Portugal, Rumania, Siam, Sweden and Yugo-Slavia. I do not pretend for a moment that this list is exhaustive. If I had had more time I could have produced one double as long, but these instances are perhaps enough for my purpose. For it must be remembered that it is only the more advanced countries which require a statute of this nature.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran? Non-Muhammadan) : You are paying a compliment to India by bringing this forward?

Mr. E. B. Howell : Precisely so. In the many countries in which the powers of the executive are undefined and the Press consequently

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has no liberty, the need of these powers is not felt. The desired object can easily be secured without them.

In a good many of the countries above mentioned the law is based on reciprocity. Protection will only be given to those Governments which in turn accord it. Nor is the safeguard one of those obsolete or obsolescent weapons of which plenty are to be found in the legal armoury of most States. As I said above, Canada made specific provision for this offence as recently as 1927. Even more recently Egypt, Greece, Persia and Turkey—all national Governments—have done something similar. I have not full details about the other three countries, but Persia affords an interesting example. In May of this year Article 81 of the Persian Penal Code was amended as follows :

“ Article 81. Whosoever in any way slanders the Head of the State will be condemned to correctional imprisonment for a period of from three months to three years.”

“ Part II : Whosoever in any way openly slanders the Head of a Foreign State or the diplomatic representative of a Foreign State in Persia will be condemned to correctional imprisonment for a period of from three months to two years, subject to the condition that the Foreign State accords reciprocal treatment in such matters to Persia.”

You see, Sir, that, subject to the condition of reciprocal treatment, the Persian Government affords practically the same measure of protection to foreign Governments as to itself. There is a difference only of one year in the maximum sentence.

So, Sir, if this measure spells death and martyrdom to the Indian Press, as no doubt we shall be told before the debate is finished, we shall at least be going to the stake in good company.

And now, Sir, having concluded my review of what other countries have done and are doing, let me turn to our own country. It is true that for many years we got on without a measure of this nature. The Press Act of 1910 contains nothing of the same content as the present Bill. But I submit, Sir, that of late years circumstances have entirely changed. It is only recently that any portion of the Indian Press has devoted attention to foreign affairs. Of late years, with the growth of such a Press, the growth of interest in what is being done in other countries, the advance of literacy and the promotion of means of communication, the inconvenience, not to use a stronger word, of this lacuna in our legal system has been more and more acutely felt. I need not dwell on any earlier instances, but I may perhaps call to mind that only three years ago my distinguished predecessor, Sir Denys Bray, introduced in this House a Bill for the amendment of section 505 of the Indian Penal Code, of which the effect, had it become law, would have been pretty much the same as this Bill is designed to achieve. That Bill, Sir, did not become law. I am, I think, betraying no secrets when I say that it was allowed to drop, partly at least because of the stubborn opposition which it was anticipated it would encounter in this House. That opposition, Sir, I should characterise, for reasons which will shortly appear, as no less short-sighted than stubborn. (Hear, hear.) However that may be, Sir, the measure was allowed to drop. And now, Sir, mark a curious circumstance. When the Bill was introduced, a certain potentate was sitting on the throne of an adjoining country. If that Bill had

become law, he would have derived the benefit of the protection which it afforded. But it did not become law. Since then the wheel has turned and now three years later there is another Ruler sitting where the potentate, to whom I have just alluded, formerly sat. I submit, Sir, that this is clear proof that, as I said when I introduced the Bill, it is not designed for the protection of any particular person.

The Bill, then, Sir, is a general measure. It constitutes no doubt some restriction on the Press, and as such might be described by some persons as an evil. But it is not intended to stifle reasonable criticism or the temperate expression of adverse opinions. Nor is it intended to have any bearing upon the utterance of sentiments expressed on the course of *bona fide* religious controversy. You may be sure, Sir, and the House may rest assured that it will never be used for any such purpose. And, Sir, I would ask you and I would ask the House to consider and weigh carefully, against this small measure of restriction, the very much greater evils to which this lacuna in our system, to which I have alluded, might at any time give rise. Speaking with full responsibility and weighing my words carefully, I warn the House that the lack of means to prevent attacks of such a nature on a foreign Government or the Head of a foreign State might, in circumstances which may be easily imagined, but which I will ask you to excuse me from attempting to depict, mean either an outbreak of civil war in an adjoining country, which is a sufficiently serious calamity for us, or at the worst it might even lead to international war, the destruction of numerous lives and the waste of incalculable treasure, perhaps even to an overthrow of the whole ordered state of things which we know. I would ask the Members of this House one question. Do they think it worth while that we should maintain good relations with our neighbours or not? If not, they have no right to grumble at the high cost of the military Budget. If so, let them swallow my prescription and support this Bill, without which the maintenance of good relations is, as I can assure them, rendered more difficult and in some cases well nigh impossible.

But, Sir, some Honourable Member may say, "He has made out a fairly good case for his Bill. But why is there such a hurry? Why is it necessary that it should be brought into force at once? Why can we not have a little time to look round before placing a measure of this nature permanently on the Statute-book?" Sir, we are here treading on delicate ground, even more delicate than that over which I have hitherto been trying to pick my way. If any Honourable Member should feel scruples such as these, I would remind him that the Foreign Relations Ordinance expires on the 5th of next month. Government would be reluctant to renew that Ordinance, but circumstances, as they did last Spring, might again compel such action. During the period for which the Foreign Relations Ordinance has been in force, six prosecutions against journals—all of them published in Lahore—have been instituted on the complaint of Government. In three of these the case in the Court of first instance has reached its conclusion, but the period of appeal has not yet expired. All these cases are therefore still *sub judice* and no discussion of them can be undertaken in this House. It is, however, I believe in order for me to refer to publications which appeared before the Ordinance was brought into force. I will not quote from these at

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length. But if any Member of this House has sufficient curiosity on the subject, he can refer to the files of certain journals published in Lahore and to the matter which appeared in them on various dates in March last. He will see there appeals of a most inflammatory nature purporting to emanate from a claimant to the throne of an adjoining and friendly country. These are addressed primarily to the subjects of that country, but also secondarily to all and sundry, and the gist of them is to urge the readers of the paper to take part in a concerted movement against the ruler of that country, who is assailed with every sort of abuse and against whom the paper makes all the most damaging insinuations that the editor can think of, and attempt to drive him from the throne. That ruler, Sir, has been adopted as King by the suffrages of of his countrymen. He has been recognised by foreign Governments as the *de facto* and *de jure* head of his nation. What right has any foreigner to take sides in a domestic quarrel and urge the subjects of that monarch to rise and revolt against him ?

What I have said, Sir, may perhaps leave the impression that this Bill, though apparently of general scope and purport, may yet be intended for application to the affairs of one particular country and for the benefit of one particular person. I assure the House that it is not so. I have already shown strong evidence against any such supposition, but I will add here and now that one of the six cases above mentioned was undertaken at the request of the representative in India of another and a totally different country. That case has not yet been concluded and I cannot therefore do more than refer to it in general terms.

I should like to add, Sir, a word of caution and to ask you to use your authority to induce the Honourable Members who may follow me in taking part in this debate to imitate also my example and to avoid the use of names in their references to certain subjects, lest quite inadvertently they may cause offence where I am sure it is not their intention to do so.

Finally, Sir, before I resume my seat, I would like to recapitulate certain points. The Bill has nothing whatever to do with the Indian States, nor has it any bearing on statements made with regard to the rulers of those States. In adopting this measure, India, so far from striking out a new line of repression for herself, will only be following the general example and putting herself in line with all the more important civilised countries of the world. An attempt was made to do this three years ago, but abandoned. If that attempt had succeeded, the benefit of it would have been reaped by the very person whose propaganda has recently come within the mischief of the Ordinance at present in force, which the Bill is intended to replace. The Bill is of general scope, adequately provided with safeguards and of a very gentle character. It has no provision for the taking of security, the suppression of any paper or the confiscation of any Press. It is not intended to stifle reasonable criticism or the utterance of opinions expressed in the course of religious controversy. In so far as it is a restriction upon the liberty of the Press, the subject matter of the Bill will no doubt give rise to regret in certain quarters. Yet it is a restriction which the Press in many other countries has found extremely tolerable, the obligations

of which should be no more irksome to the editor of a well-conducted journal than the obligations of public decency are to a normal individual. The absence of such a measure on the other hand might at any time have disastrous consequences, and in asking the House to weigh these, I am asking them to assume responsibilities perhaps more appropriate to a time when external affairs will come more fully within the purview of this House than they do at present. Finally, Government have no option but to press on with this measure with all speed, since the lapse of the Ordinance, if it is not replaced by a statute, will inevitably lead to fresh outbursts. The Press of India, to its great credit, has in general abstained from offending in this way. The imposition of the restriction will therefore do them no harm. The mischief which can be done by the few irresponsible journals who have thus smirched the reputation of the Indian Press as a whole is however so great that I confidently appeal to the House, and through them to all responsible members of the great profession of journalism, to rise above the parochial outlook, to take up the mortgage of the future and to give an earnest of their capacity to deal with external affairs. Let them think internationally and if they will do that, Sir, I have no fears for the measure which I now advocate.

Sir, I move that the Bill to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Governments of foreign States be taken into consideration. (Loud applause.)

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st January, 1932.

Perhaps India is the only unfortunate country where the liberties of the Press have been very much restricted by the legislature. I think my Honourable friend, the Foreign Secretary, can create no parallel of such severe enactments in any other country.

Sir, I tried my best to know something about similar enactments in other countries. The small library below could in no way help me in doing so. And after all efforts of mine, I came to know that this is an unwritten law of England, that is, English common law. Then, Sir, may I ask my Honourable friend why should it be a written law in India ?

Sir, let us take it, for a moment as the Honourable Member said, that such a law is in force in England. But then this cannot make us forget that there is a world of difference between the political condition of England and that of India. England is governed by the representatives of the masses. The ministry there consists exclusively of those who owe their office to the people and who are personally responsible to their electors for voicing their sentiments. In short the friends of the Government are nevertheless the friends of the public. There the Government is of the people and for the people. In India the state of affairs is just the contrary. The interests of Government are often in conflict with those of the people. On many occasions the interests of Indians are very much in jeopardy, the Government having the upper hand in every matter.

Sir, coming to the Bill itself we have many causes which compel us to oppose its enactment into law.

Mr. President : Order, order. In view of the adjournment motion to be now discussed, the Honourable Member should continue his speech on the next official day.

MOTION FOR ADJOURNMENT.

SHOOTING OF DETENUS AT THE HIJLI DETENTION CAMP.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhamadan Rural) : Mr. President, I move that the House do now adjourn to discuss a matter of urgent public importance, that is to say, the death of two detenues and the mortally wounding of five others, and also injuring 15 other detenues at Hijli, in the district of Midnapore, in Bengal. Before I deal with the case, I must say that I do not know the full details of the occurrence ; and in fact the Honourable the Home Member opposed my motion at the very beginning on the ground that he had to get more facts. The occurrence happened at 9-30 P.M. on the 16th instant. To-day is the 21st ; full five days have passed and in the meantime the Government, if they wished, could certainly have put the House in possession of all the facts. We have tried in our own way to get them ; but all our efforts have been frustrated owing to limitations being put on visits to that place and on seeing those people. I think you will find later on that the Honourable the Home Member is in possession of more facts than he professed to have.

I find a statement in the *Pioneer* that it is understood that, " The official inquiry into the shooting at Hijli is expected to be completed to-day by the District Magistrate of Midnapore, who will shortly submit his report to Government ". Of course, it is for the Home Member to say whether he has got the report or any more details ; and if he does not, I must claim that he is only to be blamed and that it is not through any fault of mine, because I have given him twenty four hours' notice of this motion and I expected, if he had not got all the facts of the case, that he would explain the reasons that stood in his way. I shall now read the communiqué issued by the Government of Bengal, whence I got some of the facts :

" Shortly after 9 P.M., on Wednesday, the 16th September, determined attacks were made on four sentries by bands of detenus at Hijli detention camp, Midnapore. One sentry had the bayonet pulled off his musket by his assailants and another sentry was with difficulty saved by the timely approach of a patrol. The position of the sentries was undoubtedly grave and fire was opened to extricate them and restore control of the camp. Two detenus were killed and twenty injured four being seriously injured. Three police officers were also injured. Order was restored in less than half an hour. An inquiry is being held by the District Magistrate of Midnapore."

Hence the House will see that there was an inquiry on the 17th—I understand there was an inquiry twenty-four hours after the event, and this communiqué is so laconic that we cannot get much of the facts out of it. One thing is however clear. There is no charge from the Government side that these people attempted to get out of their camps. If my time were not limited, I could explain to you the policy of the Government underlying all these events. I could give a description of this camp itself. As I say, I hold the Government of India responsible, because the Home Member went all the way to Calcutta only the other day and instructed the Bengal Government deliberately to follow this course. I do not care whether we win or lose, but the House must be told what is happening in Bengal. That Government's policy is now determined at the instigation.

of the Anglo-Indian Press. I must say that I do not hold the other European members of the mercantile community responsible for that ; we have no quarrel with them. We know that if we get a better constitution it is to our mutual interest to help each other ; but unfortunately they are now being led by people who are unlike their predecessors like Sir Darcy Lindsay and others. They are now instigating the Government. I can quote passage after passage to show that it is at the instigation of the Anglo-Indian Press that the Government of India are now determined to have a policy of crushing down these people.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

The other day the House was resounding with the eloquence of these people against the principle of assassination. I quite agree with that ; but I wish they had the courage of their conviction and condemned assassination whether it came from the emissaries of law and order or others. I shall see how they vote on this motion and how far they carry their principle of condemning assassination whether it comes from the Government or from the young misguided youths.

I shall show from the communiqué that it is clear that under the rules and regulations this detention camp having barbed wire all round and sentries.....

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Are you speaking from experience ? If so, you had better explain to the House.

Mr. S. C. Mitra : Yes, I am speaking from experience, and I am glad that I have this opportunity to explain the position. I know these places even better than the Home Member.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : You are an authority on this matter.

Mr. S. C. Mitra : This occurrence took place at night. There is not the least doubt that these people were wholly unarmed—because they are in a detention camp—and there were sentries posted round the fences of electrified barbed wire on a raised platform, with guns loaded. What is the reason then for the discreet silence of the Government on this point ? Ordinarily these young men are locked up at night before 9 by these sentries. I thought the Honourable the Home Member would enlighten us on these points, but if he has got nothing more to say than the communiqué, I can only say that the communiqué is discreetly silent on this point. We next hear that within less than half an hour, to be accurate—within ten minutes—everything was quiet. During this period, two detenus were killed outright. According to the papers one detenu's hand had to be amputated ; one more had a bullet lodged in his abdomen ; three more are in an extremely precarious condition. And what happened to the police ? "Three police were also injured." How much are they injured ? What is their injury ? There is no mention about it whatsoever.

I shall now tell you who these people are. They are not ordinary convicts. They are not convicted of any crime. It has been stated in this House by the predecessor of the Honourable the Home Member that these are not penal sections under which our boys are detained ; they are merely preventive. It is merely on police suspicion that these young men are arrested ; if they have no case to take them before a regular court, they are kept in this sort of detention. It is needless to say that this sort of detention should be abhorrent to any gentleman,

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to any Englishman. The idea is certainly abhorrent to me that these people should be kept day after day, month after month in jail without any trial whatsoever. Perhaps the Honourable the Home Member may say that they are charged; I can say from my personal experience that that is not the case. What are the charges? It is a misnomer to call them charges. Any lawyer can tell you they are not charges. They say, "You are a revolutionary". That is one charge. How can you disprove it? Another charge is, "You are an associate of some revolutionary or public man"—in my case it was, "You are an associate of Mr. Subhas Chandra Bose and Professor Anil Baran Roy". In some cases they are charged with having attempted to smuggle arms between the years 1922 and 1925. No date is given. I appeal to the lawyer Members of this House to say according to what code of law these can be called charges. It may not be known to the administrative officers, but there are rulings of the Privy Council that the charges must be definite and such that a man can answer them. These so-called charges are brought against these people behind their backs, and they are asked to explain; and a decision is given that so and so will be put for an undefined term under restraint. This is what happens. Assuming, but not admitting that in this case there was some provocation, are these people justified in killing in a cowardly fashion these unarmed detenus? I ask you to consider the matter dispassionately and to look at the psychological aspect of their mind. Any man would tell you that if a person is kept for a long time under restraint, it naturally strains his nerves. Even in ordinary cases that is so; if a man is kept for a long time under restraint even a reasonable man becomes, to a certain extent, unreasonable. If a man is convicted and knows that he will be released, say after two or four or five years, then even his temper becomes bad. But if he is kept on for an indefinite time and he never knows when he is going to be released or if he is going to be released at all, it is bound to tell upon his nerves and make an ordinarily reasonable man unreasonable to a certain extent. I appeal to the House to go into the matter. There is nothing in the communiqué; but assuming there was some provocation, are these sentries entitled to kill these young men, who were never convicted of any offence, who were detained merely because some police took it into their heads that these men were suspects, and to kill them like pariah dogs. Is that civilised Government? Are these the ways to be adopted by a civilized Government? You are speaking of incitement to murder and assassination. I say to the House that it is the Government which is inciting people to commit murders and assassinations. Sir, I warn the Government through you that it is Government itself which is creating or provoking people to commit murders and assassinations. It is not the writings in the press or the speeches on the platform which are responsible for these evil deeds, but it is this Government that is provoking people or inciting people to commit murder and assassinations. Our Anglo-Indian friends might say that Government are investigating these things. It is otherwise about the Anglo-Indian Press and blood is thicker than water, and therefore I put a question to the Honourable the Home Member the other day why the *Statesman* should not be prosecuted under section 153-A, for setting class against class and he bluntly replied "No". I shall just quote a passage from the *Statesman* to prove how they incite people,— but section 153 is meant for only the coloured people and not

for the Anglo-Indian papers. On the 30th July the *Statesman* wrote this in its columns :

"A vigorous policy of reprisals and summary punishments will for ever drive terrorism....."

Mr. Arthur Moore (Bengal : European) : Will the Honourable Member kindly read the context ?

Mr. S. C. Mitra : It has appeared in your paper dated the 30th July. My time is limited, and so you will please excuse me.

Sir, with your permission, I may warn the Honourable Member, I mean also my friend, Mr. Arthur Moore, not to speak of reprisals. India is not Ireland. India is not made up of a handful of people. Do you think you can crush the Indian people in that manner ? I may tell the House that even in Ireland the Government have failed to crush the people, and here they are sure to fail to their complete ruination when they would realise the results. Now then it is said that the criminal law was insufficient and they press for more repressive laws. I say, Sir, the Criminal Law Amendment Act has failed. The Honourable the Home Member will be able to tell the House the total number of young men who have been thrown into jails, and yet he says that these things are occurring every day. According to his own admission, therefore, the Criminal Law Amendment Act has failed, and in spite of getting hold of young men and throwing them into jail and indirectly provoking them, activities of anarchists are matters of almost daily occurrence. One would have desired that the Government had exercised greater judgment in dealing with Indians, had they dealt with the public in a more reasonable and statesmanlike manner as the Congress suggested—but as the Government are not amenable to reason,—we Indians are naturally anxious to have Dominion or self-government which is the only cure for all our present ills and troubles.....

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : The Congress says you must not be violent.

Mr. S. C. Mitra : My idea of non-violence is much better than yours. Then as regards these two young men who have been killed, I may say just one word. One man is Mr. Santosh Mitra—a brilliant Graduate, he was an accused in the Alipore Conspiracy trial. After a prolonged trial, he was acquitted because nothing was proved against him. When he was coming out of jail, he was again arrested immediately and put under restraint, though he was in jail for the prolonged period during which his trial took place. Yet as soon as he came out, he was arrested under the Criminal Law (Amendment) Act. Then what happened ? He was put in a Darjeeling jail. Then the Governor of Bengal—Lord Lytton was the Governor,—though he was a short-sighted politician, was a sympathetic person, he had a sympathetic heart. He talked with this young man and permitted him to sit for the examination. He appeared for the examination in the jail and passed the M. A.

Mr. S. G. Jog (Berar Representative) : M. A. means a member of the Alipore conspiracy (Laughter).

Mr. S. C. Mitra : Then the young man was released after a time, and he married and settled in life.

Then as regards the other man, I find from the papers that he comes from Barisal and he was arrested for picketing a *ganja* shop, a very humanitarian object. But I may tell the House what is the policy underlying the actions of this soulless Government. They have no definite

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policy, and these young men are roused to commit murders and assassinations on account of the wicked policy pursued by Government ; Government acts up to the incitement and instigation of the Anglo-Indian Press. What happens ? Whenever there is a crime, anybody who had been detained for an indefinite period of time and then released is again arrested and kept under restraint. That is the policy of Government.....

Mr. Deputy President : I must remind the Honourable Member that his time is up, and so he must now conclude in a minute.

Mr. S. C. Mitra : Since my time is up I cannot say much now. But I appeal to those Honourable Members who are against assassination and murder and those who want to put an end to this kind of thing, to calmly think over these events. I am quite agreeable even to withdraw the motion if there is an assurance given to hold a regular inquiry by non-officials and sift the evidence and ascertain the real facts. So far there is nothing mentioned in the reports which have appeared in the papers about instituting any such non-official inquiry. I have not much faith in the Magisterial inquiry. I hope therefore all Honourable Members will vote for the motion, because it is really a surprise to us that even five days after the occurrence Government are not in full possession of the facts of the case.

The Honourable Sir James Crerar (Home Member) : Mr. Deputy President, when the Honourable Member asked for the permission of the House to make the motion which he has now made, I ventured to point out that in view of the fact that the circumstances of this case had not yet been fully ascertained, in view more particularly of the fact that an investigation was proceeding, it would in all the circumstances of the case be inadvisable for the House to embark upon a discussion of this character, and it would be better to suspend judgment, to avoid arriving at any premature and probably erroneous conclusions until far more information was in our hands, until we knew what the results of a careful and thorough investigation would be, until we knew what conclusions the Local Government, which is primarily concerned, had arrived at on those results, and until the Government of India had on their own part been able to arrive at considered conclusions of their own. Now, Sir, these being the preliminary facts of the case, I deprecate very strongly a debate being carried on upon lines which might impute blame to the officers of the Government concerned ; on the other hand, and possibly equally incorrectly to those who are alleged to have been concerned in the disturbance.

(At this stage Mr. President resumed the Chair.)

For my own part, and speaking for the Government of India, I must frankly decline to commit myself to any views upon this subject at all until I have ascertained the results of the inquiry and until I have been able to exercise a reasonable and considered judgment upon it.

I think, however, I should do my best to lay before the House such facts as are in my possession. The Honourable Member was inclined, a little hastily I think, to impute to me blame for not having more expeditiously ascertained the facts of the case. As a matter of fact, when I first heard of the occurrence, I lost no time in asking the Government of Bengal for the fullest report that they could let me have upon the subject. But I should like to impress upon the House that the details

which I now propose to lay before them must be regarded as entirely provisional. This is the report from the Government of Bengal, and I reiterate once more that it is entirely provisional; it is the result of purely preliminary reports received from the District Magistrate of Midnapore in accordance with the evidence which he has so far taken. The inquiry is still proceeding; further evidence has still to be taken, and I must ask the House to regard this recital as provisional and subject to confirmation or otherwise:

"The detention camp at Hijli consists of a two storied pucca building, originally designed for a Collectorate Office, surrounded by a rectangular wire fencing enclosing a compound averaging 200 yards in width from the centre to the perimeter. Inside this perimeter are subsidiary temporary buildings comprising four groups of cells, latrines, wash-houses, feeding rooms and kitchens. The subsidiary buildings are of a temporary character. Sentries were originally posted at night between the inner and outer fences of the outer perimeter, but their disposition was altered on the night of the occurrence for the following reasons. When news of the murder of the late Mr. Garlick was received in the camp, the detenus, who are issued with lanterns for use at night, no electricity being available at the camp, illuminated portions of the camp building, a proceeding which was visible from the neighbouring town of Kharagpur. On this being reported to the Local Government, Government ordered disciplinary measures to be taken. Shortly after this order was issued there occurred a series of outbreaks of fire among the subsidiary buildings at night. On one occasion a block of cells was partially destroyed, and, on subsequent occasions fire was set to another block of cells and to one of the wash-houses. Again on the occasion of the murder of Khan Bahadur Ahsanullah of Chittagong, a further illumination of the building took place. The Commandant was of the opinion that the detenus were responsible for the outbreaks of fire and made repeated attempts to secure the co-operation of the more responsible detenus to put a stop to such offences. His attempts proving abortive it became clear that measures were necessary to secure more effective control of the camp at night. Sentries were therefore introduced inside the outer perimeter and posted on or close to groups of subsidiary buildings. Their presence however did not succeed in preventing another attempt at arson being made without the offender being apprehended, and it was accordingly decided to place an inner ring of sentries at night in such a manner as to prevent access to any subsidiary buildings except under the watch of the sentries. The sentries were posted in this manner on the night of the 15th for the first time.

The account of the actual occurrence which follows is based on preliminary reports received from the District Magistrate, who commenced an enquiry under Police Regulations, Bengal, on the morning after the occurrence. His enquiry is not complete and he has not finished the examination of all witnesses. The detenus on being asked to appear before him in this enquiry declined to do so. From reports hitherto received, after the examination of a large number of witnesses whose statements have so far been recorded, the following appears.

At about 9-20 P.M., on the night of the 16th September, a group of detenus, variously estimated at between 10 and 25, approached sentry No. 3 posted to the south-west of the main building and a little in front of a building containing cells. They were challenged and ordered to halt. They disregarded these orders, surrounded the sentry on three sides and abused him. They then attempted to snatch away his rifle and the sentry fired one shot in the air. At that a detenu approached the sentry from behind and put his arms round him. The sentry then shouted 'Guard turn out'. A patrol which was at a distance of some 80 yards came running to the sentry's rescue, shouting to the detenus to disperse as they ran. As they were not obeyed each in turn fired one round. This group of detenus then turned and fled in the direction of the main building. A minute or two later another body of detenus came from the direction of the cookshed, due north of the main building, and distant some hundred of yards from sentry No. 3. They moved in a south-easterly direction and approached sentry No. 7, who was posted almost at the extreme opposite end of the compound from sentry No. 3. Their numbers were estimated at between 15 and 20, and they appear to have been a quite distinct body from that which attacked sentry No. 3. Sentry No. 7 challenged them and ordered them to halt. They replied that they had power to come there. The sentry warned them several times but they surrounded him, seized his rifle, and one of them succeeded in detaching the bayonet. The sentry fired one round, but even then the detenus did not disperse. He succeeded in reloading and fired a second shot when his assailants retired a yard or two, flourished

[Sir James Creer.] The bayonet and abused him. He fired a third time whereupon the group of detenus retreated. Either the same body as attacked sentry No. 7 or another body advanced on sentry No. 8, who was posted close to the south-east corner of the main building. This sentry states that he saw 15 or 20 detenus coming towards him armed with brickbats and iron mosquito curtain poles. The sentry thinks a considerable number of those approaching him came from the main building. However that may be, brickbats were thrown at him and he challenged them and called them to halt. In his own words he quotes their reply as '*Sala hum tum ko jan marega. Tum hum par goli chalao*'. He had not up to this fired but then fired one round. This sentry carries the mark of an injury from a brickbat.

All the three sentries and the two patrol constables think their shots caused no casualties. From examination of the ground this would appear to be true.

The Guard on duty is stationed outside the main gate of the camp. They turned out on the warning of the gate sentry, who had heard the call for assistance from sentry No. 3. As soon as the warning to turn out was received the Guard Havildar turned out the Guard, sounded the alarm and ordered the second Havildar to go with 14 men to the space between the inner and outer gates of the main entrance. The latter took his party there and found that a number of the alarm party, that is to say, men not on guard duty, but present in the lines had already assembled there. He went back and reported this to the senior Havildar in the Guard Room. The senior Havildar ordered him to remain in the Guard Room, and proceeded himself to the main entrance. On arrival there he found some 30 to 40 men between the gates and also a third Havildar. This last mentioned Havildar ordered the inner gate to be opened and the whole body doubled into the compound and proceeded up the road leading to the main building. The Guard Havildar being at their rear. The other Havildar instead of staying with the constables whom he had led into the compound moved off in the direction of sentry No. 7 whose bayonet had been seized. The Guard entered the compound just after sentry No. 8 had fired his shot.

What follows is drawn from the statements of the Guard Havildar and the sepoys of the main body. They declare that there was a large crowd of detenus outside the south-east corner of the main building armed with mosquito curtain poles with which they struck at several of the constables, inflicting minor injuries. The constables were also greeted with a shower of missiles, including at least two chairs, mosquito curtain poles, soda water bottles and brickbats. A struggle ensued and fire was opened. The question of the control of this firing is one of those now under investigation. It was of very brief duration and the Guard Havildar states that he ran up and ordered the constables to cease firing, which order was immediately obeyed. He at once ordered the whole party back to the Guard Room and recalled the other Havildar. The whole outbreak from start to finish appears to have lasted at the most ten minutes.

Investigation goes to show that few, if any, serious injuries were inflicted on the detenus outside the main building. The gunshot cases appear to have occurred among persons who were standing in the verandah over-looking the affray, the fire of the constables being towards the main building. There is nothing to indicate that fire was specifically aimed at persons on the verandahs.

At the time of the outbreak the Commandant was in Kharagpur, and the Assistant Commandant in his quarters but sick. The Commandant was summoned by telephone on the alarm being sounded, and together with Inspector Marshall reached the camp within ten minutes. He entered the camp with the Inspector and found that everything was quiet. The sentries were at their posts and the Guard was back outside the camp. They had gone some distance on their rounds before they received intimation that any detenu had been seriously injured, a detenu calling to them to ask for medical assistance. Reports indicate that this was at once rendered. The Commandant himself went to the Railway Hospital to get the assistance of the Chief Medical Officer. The latter being out on the line, he brought back Dr. Majumdar and the injured were removed in motor cars to the Railway Hospital, where such as were seriously injured have been detained and the remainder after treatment were returned to camp.

“The Local Government will consider action to be taken on receipt of Magistrate's report.”

Now, Sir, I suggest that the Honourable Member would be well advised not to press his motion in view of the fact that this investigation is not yet complete and we cannot be in full possession of the facts until it is completed. But some of the expressions which fell from the Honourable

Member compel me to make one or two remarks before I conclude. It is very unfortunate that I should be compelled to deal with allegations in a matter which is still in a sense *sub judice*. I must point out to the House.....

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : If the subject is *sub judice*, can it be referred to ? My Honourable friend took no exception when the Member was speaking. My point of order is this. The Honourable Member states that it is *sub judice*. He did not raise his objection at that time. According to his own admission.....

Mr. President : How is it a point of order ? Certain statements have been made and a reply is being given.

The Honourable Sir James Crerar : What I said was that these matters were in a certain sense *sub judice* and that it would be highly inadvisable, and I venture to say highly improper, on the part of this House to express any opinion at this stage. It is a course of action which I myself would certainly decline to take—to pronounce a decision while the matter is still under inquiry. Nevertheless I think I must point out that the *prima facie* facts of this case indicate that the police officers acted only on two grounds, namely, they acted in the discharge of their immediate duty of maintaining peace and order in this place. They acted promptly, and fortunately a situation which might have proved even more serious was checked at an early stage and consequences which might otherwise have taken place were averted. In the second place on the *prima facie* aspect of the case, which is the only aspect before the House, it appears that they acted in discharge of the lawful privilege of private defence. Beyond that I do not intend to go. I say that these are *prima facie* inferences that can reasonably be drawn from the provisional account, which is all that I can at this stage lay before the House. I say that no further inferences can reasonably be drawn than that and I once more suggest to the House that while this inquiry is proceeding it would be highly undesirable for us to come to any conclusions which might incriminate either the officers concerned or the other parties concerned in this affair. It would be extremely inadvisable for the House to arrive at any conclusion whatever on this matter.

Mr. Amar Nath Dutt : Sir, I rise with a sense of grief to support the motion. I shall not use any words of anger or any words that are likely to offend any one. I shall in the first place lay the facts before this House. From Chittagong to Hijli is a far cry though the interval of time is too short. It is only the other day that we had the painful story of depredation and murder by the licensed *goondas* in Bengal. Now, comes the same sorrowful tale from Midnapore. It seems to me Chittagong and Midnapore have more attention from the Government which happens to rule this country at the present moment. Let me read to you the *communiqué* which has been issued by the Government of Bengal, which is vague in the extreme. It reads :

“ Shortly after 9 P.M.” (*I ask the House to mark these words*), “ on Wednesday, the 16th September, determined attacks were made on four sentries.”

Now it is not mentioned what sort of attacks they were. It simply says determined attacks. “ Determined attacks were made on four sentries by bands of detenus.” With an imperfect knowledge of the English, I understand, that the word “ bands ” is used only for bands of ruffians

[Mr. Amar Nath Dutt.]

or *hooligans*. It is never used for respectable people. We never say, "bands of Executive Councillors". I would not use the word in that sense. These detenus are as respectable as any of us here. They are men of culture, and education with a lofty sense of patriotism and love of their Motherland. The *communiqué* states :

"Determined attacks were made on four sentries by bands of detenus at the Hijli detention camp, Midnapore. One sentry had the bayonet pulled off his musket by his assailants."

We do not find anything which brings it within the purview of the Indian Penal Code or any other penal code in the world :

"Another sentry was with difficulty saved by the timely approach of a patrol."

I do not know how he was attacked :

"The position of the sentries was undoubtedly grave and fire was opened to extricate them and restore control of the camp."

How was it grave ? That is not mentioned. You condemn murder as any of us, yet you do not take heed of these things and you want us to believe that our countrymen are always in the wrong and that you are always right and therefore we must co-operate with you.

The Honourable Sir James Crerar : Sir, on a point of order, I think that the Honourable Member's suggestion that I was deliberately endeavouring to mislead this House—"mislead" is, I think, the word he used—is entirely unwarranted in face of the account that I read out to them, which was the purport of the latest information I received from the Local Government on the subject. (Hear, hear.)

Mr. Amar Nath Dutt : The Honourable Sir James Crerar thinks that we are to take him at his word and that we are to believe every word which he receives through the wires from interested individuals. Sir, there is a limit to human credulity. Let me refer to his exact words ; these are the words he used :

"Would any reasonable man believe that * * * these are provisional details, they may be correct or they may not be correct."

Sir, besides those documents, I have other documents in my hand. If you will have a little patience, I shall convince you and the Honourable the Home Member if he wishes to be convinced that the whole wrong was on the side of those men who fired and killed the unfortunate detenus.

Mr. S. C. Mitra : Yes.

Mr. Amar Nath Dutt : The *communiqué* further states :

"Two detenus were killed and 20 injured * * * The situation was grave."

Two detenus were killed ! Alas !

"Three police officers were also injured."

Three police officers were injured ! The gravity of the situation lies here. Of course we do not know the nature of their injury.

"Order was restored in less than half an hour."

After these unfortunate men were shot, it was long, long after that they were given any medical aid. Here it is :

"The Commandant wanted an assurance from these detenus that they should remain silent and create no disturbance and before they could be given medical aid"—and this occurrence took place at 9-30 a.m. and medical aid was given at 3-30 p.m.—"two of them were dead."

Here are two lines in that much-maligned paper *Advance* to which I invite the Honourable the Home Member's attention ; let him prosecute the Editor if he thinks the account is false :

" It now transpires that S^j. Santosh Mitra was nursing S^j. Satyendranath Basu of Faridpur who was ill of high fever in the latter's room when on hearing reports of firing he came out to see what the matter was. As he stood before the door, he was shot dead." ! !

Here are two stories ; one published in the newspapers widely, another submitted to higher officials who are far away from the scene of occurrence by interested parties. If I am right, Sir James Crerar was once a Judge ; and as a Judge, would he believe the statements of the nature which have come to him ? He should certainly not.

The Honourable Sir James Crerar : As a Judge, I should defer my judgment until I heard the evidence.

Mr. Amar Nath Dutt : Sir, I appreciate Sir James Crerar's judicial frame of mind, and I wish him to retain it in this discussion too. When I give my facts from newspapers, he says " Wait, let the full particulars come up here ". It is very nice, but, Sir, he forgets that there are Standing Orders and rules governing the procedure of this House that if we are to censure the Government—it is nothing but a censure, the moving of a motion for adjournment—it must be a definite matter of recent occurrence, and it must not be too late. My Honourable friend asks us to defer our judgment, so that after fifteen days he may employ other weapons which are in his hand and then say, " Oh, you are too late, it is not urgent and of immediate importance ". Sir, I only wish Sir James Crerar to remember it.

Sir, I shall not relate the pathetic scene of the poor widow and of the old parents when their corpses were brought to Calcutta. I hope you have all read, in the Calcutta newspapers, a description of the pathetic scenes when their dead bodies were brought from Midnapore to Calcutta. I do not speak in anger, Sir James, excuse me ; all we would like to submit to this House is that such things should not be allowed to occur. Sir, it were better if the Honourable the Home Member had come before the House and said : " The reports I find in the newspapers are certainly heart-rending and will be inquired into ". He made a promise of an inquiry but a magisterial inquiry, to whitewash the very men who were responsible for the tragedy. That is a thing with which we will not be satisfied. I expected something better from you, Sir James ! Sir, I see that my time is going to be up and therefore I shall hurry up. Sir, it has been said that there are obligations resting on well-conducted journals. No doubt, Sir, that is so, but there are also obligations resting on a civilized administration too. So I ask you, Sir James, to start a competent and impartial committee of inquiry which will command respect and confidence of all.

Mr. President : The Honourable Member should address the Chair.

Mr. Amar Nath Dutt : Sir, both of us have come to co-operate with the Government. We on this side offer our criticisms, and they on that side suggest constructive methods. At times we have to use hard words no doubt, and anyhow.....

Mr. President : The Honourable Member's time is up.

Mr. Arthur Moore : Sir, it seems to me very unfortunate that whenever there is an outbreak of violence in this country, some attack upon the maintenance of law and order and authority, and whenever some action has to be taken in consequence, there is always some Member of the House who comes forward, without even waiting for the evidence, to condemn the Government, and thereby to indicate his sympathy with the outbreak of murderous violence. We had an example of this in the last session in Delhi, when riots broke out in Cawnpore because the Congress volunteers tried to enforce a *hartal* on account of the execution of Bhagat Singh. I do not think that, looking back on the debate that took place, Members of this House can feel any great pride or satisfaction, in the light of all the facts that were subsequently revealed, at some of the speeches that were made.

Mr. B. R. Puri : Which incident is the Honourable Member referring to ?

Mr. Arthur Moore : I was referring to the Cawnpore riots. But, Sir, with reference to to-day's motion, had my Honourable friend worded it in a more non-committal fashion, I am not at all sure that he might not have enlisted the vote of the European Group against the Government, but for entirely opposite reasons, and because we take this question of the detenu camps very seriously. We have had an outbreak, and we feel that there may be more outbreaks and I would remind the House that the Bengal Government sent us a Bill in the beginning of last session asking for powers to extern these detenus outside Bengal. In view of the first results of the Round Table Conference, the Government, instead of pressing that Bill, agreed to send it for circulation,—a dilatory motion. It was sent for circulation. The opinions of other Local Governments are naturally hostile, in so far as they fear that the detenus of Bengal may be sent to them. But the situation in Bengal itself is becoming an impossible one, and while we recognise that it is not fair to ask that other Governments in India should be asked to take charge of these detenus, we feel that they should be sent outside Bengal, and outside the main land of India. According to our information these detenu camps are simply dangerous revolutionary clubs.

Mr. Gaya Prasad Singh : Have they been proved to be so ?

Mr. Arthur Moore : I would remind my Honourable friend, Mr. Gaya Prasad Singh, of what view the Government themselves take of these men.

I understand that subsequent to the Delhi settlement every single one of these men would have been released unless in every case there was reason to connect him with a terrorist organisation or with violence ?

Mr. S. C. Mitra : Why don't you bring them to trial ?

Mr. Arthur Moore : I believe the case of every one was in the first instance reviewed by two Sessions Judges, and that therefore the authorities at any rate have convinced themselves that these men are of violent tendencies. Our information is that it is impossible to exercise proper control over them, and I must say that the report which was read out to-day gives us some insight into the Government's difficulties. They are always in touch with their friends outside. My Honourable friend has apparently in some way diverted the attack to the European community, or rather to the Anglo-Indian Press. My Honourable friend

appears in some way to blame the Anglo-Indian Press, because Indian sentries when attacked in large numbers by these detenus defended themselves. It seems to me that these Indian sentries are rather like the European community, and like a certain animal of whom it was once said, "This animal is very wicked; when he is attacked he defends himself". And I should like my Honourable friend genuinely and sincerely to understand that when he attempts to draw a distinction between the European community and expressions of public opinion which are supposed to represent their views, he is himself making a profound mistake. I wish to assure him, and I wish him genuinely to understand, that the feeling in the European community throughout Bengal, with regard to the present situation and the apparent inability of Government to preserve law and order and to protect its own servants, is far greater, far deeper, and far more determined than he realises. Only this morning I was looking at report summarising the European views from different parts of Bengal, and the expression there used was that they were reaching a point at which their feelings could no longer be controlled. I would point out that only this week the European Association of Chittagong in a series of Resolutions has demanded the application of the summary Frontier law to Bengal; and I would remind Honourable Members that they are not doing that merely as a gesture, but they do mean what they say, and that it is not possible for us to go on continually in this atmosphere of suggested violence.

Sir, I oppose the motion.

Mr. B. Das (Orissa Division : Non-Muhammadian) : Sir, I rise to offer my deep sympathy to unhappy and unfortunate Bengal. Sir, I am a neighbour of Bengal and I feel at every stage the repercussions that my Bengal friends undergo at the high-handedness of the Government of Bengal. Sir, everybody knows, non-official India knows, and the public knows that the Government of Bengal have become panic-stricken. I never thought that the panic would invade the Government of India. Sir, my Honourable friend the Home Member was describing the incidents inside the barriers where the detenus are kept at Hijli. I was surprised, I was amazed, I was astounded, to hear that sentries were placed inside those compounds. If these detenus illuminated the place, Government could have put the sentries on the top of those houses. Why does a Government which calls itself civilised adopt systems which were known only in the barbaric days of Roman civilisation? In those days a prisoner was kept in one cell and a sentry was put near that cell. That was what the Bengal Government adopted in this case. They put sentries inside that barrier and those sentries were allowed unlimited power. On the Honourable the Home Member's own reading of the telegram from the Government of Bengal, it is clear that while a dozen detenus were moving about, the sentries fired; and we have heard what my Honourable friend Mr. Amar Nath Dutt read out from the first *communiqué* of the Government of Bengal which was issued in quite a different spirit. What has happened to the Government of India and the Provincial Governments that they should be so panic-stricken? I know the Government have enough cause to be panic-stricken; they have introduced the Press Bill; we heard what the Finance Member said to-day of the financial bankruptcy of the Government of India and the Gov-

5 P.M.

[Mr. B. Das.]

ernment of England. That does not mean that the Government should be so bankrupt that they should take a back place among the civilised nations, that they should put sentries inside a jail to shoot down innocents who are kept there without trial under the Bengal Criminal Law Amendment Ordinance—I call it an ordinance because this House did not pass it. I respect my friend, Mr. Arthur Moore's feeling as a European that they are undergoing a severe strain in Bengal through the terrorist movement. No doubt he voices the sentiment of Bengal Europeans, but he could not say one word as representative of a civilised nation, as an Englishman, as a Britisher, that he condemns this attitude of the Government of Bengal in putting sentries inside the jail compound to shoot down innocent persons. If the Bengal Government wanted that there should be no illumination or anything of that sort by these young men who are kept there day and night without any trial, who have no amusements, it may be that they played a few pranks. But that is no excuse for putting sentries there inside the compound and shooting them down. As we have heard from Mr. Amar Nath Dutt, while a detenu came out from the sick bed of his friend to see what was happening, he was shot down. Is that civilised government? Will even the present national Government in Britain, consisting mostly of Conservatives, condone the action of the Bengal Government? Will the Honourable the Home Member condone that action of the sentries and the policy of the Bengal Government? My Honourable friend the Home Member spoke of an inquiry, and my friend Mr. Mitra suggested that there should be an impartial inquiry; but nobody in India believes that any inquiry by a District Magistrate is an impartial inquiry. Who are the two parties to this case? The detenus on one side and the sentries and Commandant on the other. Either the detenus should be at once removed from that place to another place under another Commandant and another batch of sentries, or the Commandant and sentries of that place should be changed. I am not passing any remarks upon the attitude of the Commandant or the sentries. But unless the two sides are kept separate, no impartial tribunal can give any judgment. My Honourable friend the Home Member is smiling. I am not condemning the Commandant or the sentries; I am condemning the policy of the higher authorities, the Government of Bengal; and if the Government of India are a party to that policy which the Government of Bengal are adopting, then I am condemning that policy. I am not interested in the sentries or the Commandant.....

The Honourable Sir James Crerar : What is the policy which the Honourable Member is condemning? I have not been able to make out quite what policy he is referring to.

Mr. B. Das : The policy that sentries should be placed inside the jail and that sentries should be allowed to shoot, that sentries should be the final arbiters of the policy of the Government of Bengal and of the Government of India and of the British Government. (Mr. K. Ahmed here made an interruption.) We would all like to hear what my friend, Mr. K. Ahmed, as a representative of Bengal will have to say on the subject, and the House would welcome his views in the matter. If he does not feel offended, insulted, humiliated by what has been done to his Bengal countrymen, then I am ashamed that another Bengali should,

while his nationals are being brutally shot down, feel amused at it. I am not for challenging this motion to a division. I would be very glad if the Honourable the Home Member or the Honourable the Leader of the House gives us an assurance that there will be an inquiry by impartial judges. They must be High Court Judges, because we still have some faith in the Judges presiding in our High Courts. Let them take up this inquiry, and I from this side of the House will not challenge this motion to a division.

Sir Abdur Rahim (Calcutta and Suburbs : Muhammadan Urban) : Sir, I wish to deal merely with this incident and not to enter upon the question of policy regarding these detenus. So far as the incident is concerned, the facts available are these. There were these detenus confined in a building surrounded by electrified barbed wire and on the 16th September at 9 o'clock at night this incident took place as a result of which two of these detenus were killed and a number of others wounded, and two or three police officers are also alleged to have received injuries. This affair undoubtedly is a most serious one. I take it these detenus were unarmed men. They were confined in a place which was strictly guarded, and I take it that the shooting that took place can only have been justified if they tried to escape or to overpower the sentries. The Honourable the Home Member has quite rightly refused to express any opinion one way or the other on the merits of the matter. He says that all the facts are not before him, and the matter is receiving inquiry at the hands of the District Magistrate. He treats it as *sub judice*, and I should like to know—I believe the House would like to know from him whether this is a judicial inquiry.

The Honourable Sir James Crerar : No.

Sir Abdur Rahim : It is not a judicial inquiry. It is an inquiry of an executive nature by the District Magistrate, in whose jurisdiction this occurrence took place. The demand on this side of the House is that there should be a proper inquiry into this incident, and I think the Honourable the Home Member ought to give us a definite assurance whether there will be a proper judicial inquiry into the matter or not. As regards the inquiry that is now going on, it is merely departmental, and I understand that the detenus have refused to take any part in it. They are in fact on hunger strike. Their excuse is that this is not a proper inquiry, that it is merely an executive departmental inquiry. They want a judicial inquiry, an independent and impartial inquiry. I do think on the facts of a case like this, the inquiry ought to be one which will command the general confidence of the public. A departmental inquiry is between the District Magistrate of the place and the Government. But when an incident of such serious character has occurred, surely it is only right that there should be a proper judicial inquiry in which all the evidence on both sides should be sifted so that it may command the confidence of the public. I believe if the Honourable the Home Member is in a position to assure us that there will be a proper judicial inquiry of the kind we have suggested as soon as possible, my friend Mr. Mitra will not press his motion to a division. I think it is a fair request, and I would ask the Honourable the Home Member to accede to it.

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhammadan Rural) : Sir, coming as I do from the fortunate or unfortunate, as my friend Mr. Das might call it, province of Bengal, which has been

[Pandit Satyendra Nath Sen.]

made the special target of oppression by the benign Government, I feel it my duty to stand up and take part in the discussion of this important subject. While the province could not yet shake off the troubles of the atrocities committed during the riots at Chittagong which are believed to have been inspired by the Government themselves, the sympathetic Government have come forward to add another injury to the injury, and not insult to the injury as is usually the case, by the shooting incident at Hijli. The Honourable the Home Member has supplied the House with some details, but there are other details which have been published in most of the Calcutta papers except perhaps in the "Friend of India"—(*An Honourable Member* : "The Friend of India?"), and these details stare us in the face, and I am afraid they will fire up the blood of even the most callous individual.

Mr. K. Ahmed : What have they published in the other papers ?

Pandit Satyendra Nath Sen : If I am allowed to read it out.....

Mr. K. Ahmed : It can be expunged.....

Pandit Santyendra Nath Sen : My time is short. I am not going to take the risk.

President : Order, order.

Pandit Satyendra Nath Sen : It is a well known fact that there are ample police precautions in these detention camps and the police generally far outnumber the detenus. The police could easily overpower the detenus physically if there was any necessity for it. Therefore, even assuming that the first offence was given by some of the detenus, can the action of the Government be justified by any right-thinking man ? The Government have thrown into prison these young men without any trial, and, in some cases, young men who have been honourably acquitted by law courts. Are they not bound to treat them as human beings ? Are they justified in treating them as cats and dogs ? I do not think such an occurrence could take place in any other civilized country. The accounts to hand tell us that most of the detenus were eating their meals at the time and were at a distance from the actual scene of occurrence. We are also told that the lights were put out by the attendants and that no further shooting could go on. If the lights had not been put out, one could imagine that the casualties might have been much more appalling. Some of these detenus are brilliant young men who might shed lustre on any country. We know that this vote of censure can have no effect on this callous Government, but still we insist on having it passed for maintaining the prestige of this House which they are sometimes pleased to describe as the National Assembly of Indians. Sir, I hope that the Government will yet take a warning and appreciate the true spirit of these motions of adjournment and realise that true patriotism cannot be suppressed by indiscriminate shooting.

Mr. Muhammad Muazzam Sahib Bahadur (North Madras : Muhammadan) : Sir, I cannot bring myself to agree to the proposition enunciated by the Honourable the Home Member. He said that, unless we had the evidence of witnesses at the inquiry, we would not be in a position to form a judgment as to who has been in the wrong, whether

the detenus or those who killed the detenus. It is an acknowledged fact that where the detenus were stationed there were also some sentries stationed. If it is contended that the number of sentries stationed for guarding the detenus was not sufficient, then the fault lies at the door of the Government ; but if on the other hand it is held that there were a sufficient number of sentries, then it means that a number of unarmed detenus were attacked by armed men with the result that two have been killed and about 20 wounded. The very fact that two have been killed and 20 wounded shows that there has been a predetermined attack by the sentries, and unless very good reasons are forthcoming, which I can say can never be forthcoming from the circumstances placed before us, I must say that these sentries had taken the law into their own hands in a most unwarranted manner, and the Government should take a note of their action. I cannot conceive of a situation where, without the orders of a Magistrate or of any other judicial authority, sentries placed in the position they were could take the law into their own hands and go the length of shooting down two of the detenus who had not been armed and who were helpless, and as has been brought to our notice, at a time when they were taking their meals. Sir, I suggest that the action of the sentries is wholly unwarranted, and I am sure the Honourable the Home Member will take every necessary step to see who are actually responsible and deal with them adequately and in a manner which might serve as an object lesson to other officers.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I wish to add a few words to those that have fallen from my friend Sir Abdur Rahim. I feel with him that this side of the House would be fully satisfied if the Honourable the Home Member would give us an assurance that there would be an impartial inquiry into this unfortunate occurrence. It is true that a departmental inquiry is being made, but it is equally true that that does not command the same confidence that an impartial and judicial inquiry is likely to command. We are not in a position to commit ourselves, and we do not know as to whether the shooting was justified or whether it was not. We are as much in the dark as the Honourable the Home Member, and I think therefore that it will be conducive to the ends of justice that the Honourable Member should advise the Government of Bengal that, because there has been the shooting down of two persons and the maiming of 20 and at the same time 3 police sentries have been wounded, it is necessary that the enquiry should be by an outside agency rather than by the head of the district police. I think that is the crux of the whole question and the Honourable the Home Member should have no difficulty in meeting us on that point.

Sir, I support the request made by the Honourable the Leader of the Independent Party.

Sirdar Harbans Singh Brar (East Punjab : Sikh) : Sir, I wish to associate myself with the motion made by my Honourable friend Mr. S. C. Mitra. Sir, that those sentries whose duty is to protect the camp and the lives and liberties of the inmates there,—that those members of the police placed on duty there should have taken the law into their own hands and that the Government should be silent, as a matter of fact for five days depending on a report of 100 or 200 words

[Sirdar Harbans Singh Brar.]

sent by a local Magistrate or by the Local Government, does not sound very creditable to a civilized government of the western type. Had a European been shot, all the telephone lines from Simla and Delhi to Calcutta and to Hijli would have been cleared for all the five days. All the necessary details, minute by minute and second by second, would have been obtained and the House would have been in possession of the full details. Not merely that, but a Public Safety Bill would probably have been justified on the floor of this House this very evening. But it is the poor lot of the black skinned Indian that unarmed, with absolutely nothing in their hands, men of the most brilliant type, well educated, the cream of the land, detained in those camps, who were having an evening walk or fresh air outside their rooms in the jail compound, guarded all round,—perhaps every inch of ground was guarded—were pounced upon by these guardians of law and order whose duty it is not to persecute but to defend and protect and aid those persons whom it is their duty to guard. The Government have taken six days ; for days nothing in the nature of a judicial enquiry so far has been contemplated, without its being asked for from this side of the House. A Magistrate, who is the head of the police and without whose assent nothing of a repressive type could be done in his jurisdiction, is placed on duty to hold an enquiry more or less of a whitewash nature. Can a person, who himself is responsible and whose subordinates have committed these heinous deeds of assassination, be expected to give us an impartial view of the case ? Can justice be expected from him ? Certainly not. And are the Government justified in keeping those detenus in those jails without any chance being given to them to prove their innocence ? It would not have happened in any other civilised country but this foreign-oppressed India. Those persons who with the immunity of the Government commit these crimes are rewarded by titles and by medals, and every day they are encouraged to do these deeds. Nothing is done to condemn their action ; they are always condoned on the floor of this House and outside. These are the persons who most deserve to be in these detention camps rather than the present occupants of the camps. Is it fair that those persons, whose liberties have been forfeited, should not even be spared their lives, or given liberty within the jail compound, or not have fresh air outside their rooms, or free association amongst themselves in the open compound ? It is nothing but the most fair demand on this side of the House that after such a scandalous occurrence, a fair and impartial judicial enquiry commanding the confidence of the public as well as of the Government should be held without the least delay, and the public be satisfied of the truth or otherwise of the allegations. With these few words, I associate myself with my Honourable friend Mr. S. C. Mitra, in the motion that he has moved.

Mr. K. Ahmed : Before the motion was allowed by the verdict of 25 or more Members standing up in their places in favour of this motion, I was not quite sure whether the policy adopted by you, Sir, in granting permission was correct. I am not here to criticise the action of the Chair. The Leader of the Independent Party said that he wanted an impartial judicial enquiry and that a Magistrate's enquiry is only departmental.

Mr. B. R. Puri : So does the Home Member.

Mr. K. Ahmed : But I may say this. If Sir Abdur Rahim or my Honourable friend Mr. Puri had taken the trouble to appear on behalf of the public or the relations of the deceased and cross-examine the witnesses.....

Mr. B. R. Puri : Get me permission and I will do so.

Mr. K. Ahmed :....then that would have been perfectly judicial, and there would have been no objection to such an enquiry. Sir, a Magistrate's enquiry is perfectly reliable. Sirdar Harbans Singh from the Punjab put the question, how can a Magistrate, having under him the police, having under him those sentries and others who by the way took the initiative and put a stop to those riots within half an hour—how can you expect him to make an impartial judicial enquiry? Can he suggest, or did he suggest while he was on his legs, what sort of enquiry would be an impartial judicial enquiry. Sir Abdur Rahim, the Leader of the Independent Party, suggested that the enquiry should be some recognised person. My friend was in charge of the portfolio of law and order in 1924. Since then Sir Abdur Rahim has changed his position. The Mover of this motion was in the Mandalay jails as a detenu. His nomination paper was filed during the last election and people thought a hero would come to this Assembly. I agree he has acquired experience of jail life which the Home Member does not know. The report of the Government shows that these sentries were attacked. What is the source of the information of my friend Mr. Mitra? He cannot expect us to accept all that he says as gospel truth. What are his facts and figures? I may tell you, Sir, that I have had the honour of passing through Hijli many times. The camp is surrounded by walls and there is enough room there for the detenus to take fresh air. My friend Sir Abdur Rahim says that there should be a judicial inquiry. He did not suggest that he wanted to move a Resolution. I was surprised to see in this Assembly my friend Mr. S. C. Mitra, and my friends from Orissa and from Burdwan who made gestures supporting this motion against the rules and Standing Orders of the House. My friends have not authentic information with them. None of the Honourable gentlemen who supported this motion could contradict a line contained in the *Statesman*. The facts show that these sentries were caught hold of and mercilessly assaulted. Otherwise what was the reason for the patrol and the police to fire at them? It seems to me, Sir, that this motion is not a motion that should be carried by this House. The facts read out to the House by the Honourable Member are now before us. My friend Sir Abdur Rahim and Sir Hari Singh Gour wanted a judicial inquiry.

Mr. President : The Honourable Member is simply repeating himself.

Mr. K. Ahmed : I ask, Sir, what Government can do at this juncture. The full facts are not before us. If my friends appear on behalf of the accused and cross-examine the witnesses, that will be a perfect judicial inquiry. With these words, Sir, I oppose the motion.

Several Honourable Members : The question may now be put.

The motion was adopted.

Mr. S. C. Mitra : I wish only to say a few words. I find that my Honourable friend Mr. Arthur Moore is not here. I should like to tell him in one word that the High Court of Calcutta refused to appoint two Judges for examining the cases of these detenus only because they said it was not according to their idea of propriety to arrive at a judgement on untested evidence. I have no time and I shall say only one word to the Honourable the Home Member. My only ground is that this inquiry is only an inquiry in name. The men concerned, as has been said by my learned leader, refused to have any connection with this inquiry and they are on hunger strike. So this inquiry is a shame. The Home Member said more than once that he had not got all the details. In fact we have all the details and I repeat that I shall be grateful if there is an impartial inquiry. If such an assurance is given, I shall withdraw my motion. Otherwise I shall press it to a division for the verdict of this House.

The Honourable Sir James Crerar : Mr. President, I must confess that the course of this debate, though I followed it with great attention and endeavoured in my own mind to give it some substance of consistency, has nevertheless left a very confused impression upon my mind. The Honourable Member opposite, my Honourable friend from Bengal, Mr. Amar Nath Dutt, in the course of his eloquent and moving speech, appealed to me to adopt a judicial attitude. At the same time it was quite apparent that his conception of a "judicial attitude" was that I should arrive at certain presumptions and certain conclusions without having before me the evidence to enable me to do so. I think he rather betrayed himself when he pathetically pointed that, even though the matter was not yet ripe, I will not say for decision but hardly even for discussion, he felt that he could not resist the luxury of taking part in a motion for the adjournment of the House and the opportunity of exercising those rhetorical, poetical and imaginative qualities with which we are so familiar. But I do put to the Honourable Member that the present is not an occasion for the exercise of imagination but for a reasonable suspension of judgment. An Honourable Member has made an appeal to the House, that since the passing of a motion of adjournment would be of no effect.....

Mr. Amar Nath Dutt : On a point of personal explanation, I may be permitted to point out that I did not speak from imagination. I quoted from newspapers facts about which no contradiction has been published even in any other newspaper. I only suggest that these are as much trustworthy as, if not more than, the papers read out by the Honourable Member. I did not say a single word from my imagination. Of course, I was deeply moved at the unfortunate occurrence.

The Honourable Sir James Crerar : I think that was the effect of an operation of the imagination. An Honourable Member threw out the suggestion that the House would be well-advised to pass this motion and that that would also add to its prestige, because the motion would be of no effect. I do not think that that is an argument which ought to appeal or which will appeal to the House. A motion for the adjournment of the House is a censure upon Government; and, if the House passes a motion of that kind, either on entirely unsubstantial grounds or against the weight of evidence, or at an

entirely premature stage, then I do not think that the majority of this House would consider that, in taking that course of action, they would be adding to their authority or to their prestige. Now, Sir, an appeal has been made to me to adopt a judicial attitude. I intend to adopt a judicious attitude. But I do not think it is very reasonable to make an appeal of that character to me ; at any rate it does not lie very gracefully in the mouth of Honourable Members who have such expressions in this debate as " heinous deeds of assassination " and so forth. I only desire, Sir, in conclusion to deal with one point which was raised by the Honourable and learned gentleman from Bengal, Sir Abdur Rahim, and by the Honourable the Leader of the Nationalist Party. The appeal was made to me that I should give an assurance to the House that a judicial inquiry should be set on foot.

Sir Abdur Rahim : I think I said " judicial or impartial inquiry ".

The Honourable Sir James Crerar : Well, Sir, in the first place I cannot admit that the Magistrate of the District, one who is placed in that position of authority, is an officer who is incapable of conducting an honest and impartial inquiry (Loud applause from the Official Benches). Indeed, Sir,—and I am sure Honourable Members sitting behind me will endorse my assertion—I think that there is no more common experience of a District Magistrate than a constant succession of applications from various persons aggrieved to hear their cases himself (Ironical cheers from some non-official Benches, and applause from the Official Benches). Now, Sir, I will make this reply to Sir Abdur Rahim. It is with some diffidence that I make the suggestion which I make to an Honourable Member who has occupied a distinguished position on the Bench ; but I think, if he will examine his own mind a little bit closely, he will realize that it involves a presumption and a prejudice which cannot properly arise upon the facts before Government or the facts before this House. I have little doubt myself that if the results of this preliminary executive inquiry are of a character to indicate that offences have been committed which require a judicial investigation, I have no doubt myself that that step will be taken. But I do say that it is premature, it is unreasonable, and it is not logical to ask me or Honourable Members on this side of the House, on the basis of the statement of affairs which I frankly and fully read out before the House, to draw premature presumptions or to deal with the case with a premature and unwarranted prejudice. (Applause.)

Sir Abdur Rahim : May I ask one question of the Honourable Member ? Will there be an open, public inquiry into this matter, or is it merely departmental ?

The Honourable Sir James Crerar : I think, Sir, I have already made it clear to the House that I cannot at this stage make any premature presumption or act upon any prejudice. It is impossible for me to say whether the results of this preliminary inquiry will lead to a judicial inquiry or not, nor can I commit the Local Government or the Government of India to any such premature judgment of the position. (Applause.)

Mr. President : The question is :

“ That the House do now adjourn.”

AYES—38.

Abdur Rahim, Sir.
Aggarwal, Mr. Jagan Nath.
Azhar Ali, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Bhuput Sing, Mr.
Chandi Mai Gola, Bhagat.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Dudhoria, Mr. Nabakumar Sing.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Isra, Chaudhri.
Jadhav, Mr. B. V.
Kyaw Myint, U
Lalchand Navalrai, Mr.
Misra, Mr. B. N.
Mitra, Mr. S. C.

Muazzam Sahib Bahadur Mr. Muhammad.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Pandian, Mr. B. Rajaram.
Patil, Rao Bahadur B. L.
Phookun, Mr. T. R.
Puri, Mr. B. R.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Sen, Pandit Satyendra Nath
Shah Nawaz, Mian Muhammad.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Sohan Singh, Sirdar.
Thampan, Mr. K. P.
Tun Aung, U
Ziauddin Ahmad, Dr.
Zulfiqar Ali Khan, Sir.

NOES—58.

Ahmed, Mr. K.
Allah Baksh Khan, Tiwana, Khan
Bahadur Malik.
Anklesaria, Mr. N. N.
Anwar-ul-Azim, Mr. Muhammad.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Crerar, The Honourable Sir James.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Dyer, Mr. J. F.
Elliott, Mr. C. B.
Fazal Haq Piracha, Shaikh.
Fazli-Husain, The Honourable Khan
Bahadur Mian Sir.
Fox, Mr. H. B.
French, Mr. J. C.
Graham, Sir Lancelot.
Griffiths, Mr. G. I.
Heathcote, Mr. L. V.
Hezlett, Mr. J.
Howell, Mr. E. B.
Ishwarsingji, Nawab Naharsingji.
Ismail Ali Khan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar.
Knight, Mr. H. F.
Lal Chand, Captain Rao Bahadur.
Lall, Mr. S.
Lench, Mr. F. B.
Montgomery, Mr. H.

Moore, Mr. Arthur.
Morgan, Mr. G.
Mujumdar, Sardar G. N.
Mukherjee, Rai Bahadur S. C.
Pandit, Rao Bahadur S. R.
Parsons, Mr. A. A. L.
Puri, Mr. Goswami M. R.
Rafiuddin Ahmad, Khan Bahadur Maulvi.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Rama Rao, Rai Bahadur U.
Rastogi, Mr. Badri Lal.
Row, Mr. K. Sanjiva.
Roy, Mr. S. N.
Sahi, Mr. Ram Prasad Narayan.
Sams, Sir Hubert.
Sarma, Mr. R. S.
Sehuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan Gakhar, Captain.
Shillidy, Mr. J. A.
Studd, Mr. E.
Suhrawardy, Sir Abdullah.
Tait, Mr. John.
Talib Mehdi Khan, Nawab Major Malik.
Todd, Mr. A. H. A.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 22nd September, 1931.

LEGISLATIVE ASSEMBLY.

Tuesday, 22nd September, 1931.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

MARRIAGES REGISTERED UNDER THE SPECIAL MARRIAGE (AMENDMENT) ACT.

619. ***Raja Bahadur G. Krishnamachariar** : Will Government be pleased to lay on the table a statement showing year by year and province by province the number of marriages registered under the Indian Civil Marriage Act (Act III of 1872), from the year 1912 under the Special Marriage (Amendment) Act (Act XXX of 1923) since it was passed ?

The Honourable Sir James Crerar : The Government of India have not the information asked for ; Registration of marriages is under the Devolution Rules a provincial transferred subject.

ADMISSION TO THE LOWEST SELECTION GRADE EXAMINATION OF JUNIOR OFFICIALS FROM THE CENTRAL POSTAL CIRCLE.

620. ***Rai Sahib Harbilas Sarda** : (a) Will the Director General of Posts and Telegraphs kindly state how many junior officials from the Central Circle were allowed to appear in the lowest selection grade examination held last year ? If none, why ?

(b) Is a similar examination going to be held this year too ? If so, will the junior officials of the Central Circle be allowed to appear in accordance with the provisions of the Director General, Posts and Telegraphs' Circular No. 16, dated the 18th August, 1930 ?

Sir Hubert Sams : (a) None. There were not sufficient vacancies in the lowest selection grade to admit of the selection of any junior candidate.

(b) I would refer the Honourable Member to my reply to Mr. S. C. Mitra's question No. 607 of the 21st September, 1931.

INSURANCE WITH FOREIGN COMPANIES OF THE PROPERTY OF THE MADRAS PORT TRUST.

621. ***Mr. Jamal Muhammad Saib** : Will Government be pleased to state :

- (a) what value of property of the Madras Port Trust is insured against fire damage each year ;
- (b) which are the companies by whom the amount has been assured and in what proportion ;
- (c) how many of them are foreign companies and how many registered in India with rupee capital ;

(765)

- (d) whether up to the end of 1928, the amount was shared between 14 foreign companies and one Indian company and thereafter owing to protest by the Southern India Chamber of Commerce one more Indian company was taken ;
- (e) why the Madras Port Trust does not insure its properties in Indian companies ; and
- (f) whether all the foreign companies publish independent balance sheets and, if so, whether they will be placed on the table ?

The Honourable Sir George Rainy : The Government of India have no information but have made inquiries in the matter and will communicate the result to the Honourable Member.

RELEASE OF CERTAIN PRISONERS SENTENCED FOR LIFE UNDER MARTIAL LAW.

622. ***Mr. K. P. Thampan** (on behalf of Bhai Parma Nand) : (a) Will Government kindly state what is the exact extent of the period which a life sentence signifies ? What is the extent of the period for persons who were convicted under martial law in 1919 ?

(b) If this period amounts only to 14 years, including period of remission, how is it that the two well-known convicts of Martial Law at Amritsar, Mahashe Rattan Chand and Chaudheri Bugha, have not been yet released ?

The Honourable Sir James Crerar : (a) and (b). As I have explained in reply to part (a) of the Honourable Member's unstarred question No. 18 of the 7th September, 1931, a sentence of transportation for life, is literally a sentence for life and its limitation to any lesser period is a matter within the discretion of the Local Government concerned, but they are required under executive orders to review the cases after 14 years. There is no distinction in this respect between a life sentence passed by martial law tribunals and by ordinary courts of law.

APPOINTMENT OF SADHU SINGH, AN ELECTRICIAN, ON THE NORTH WESTERN RAILWAY.

623. ***Sardar Sant Singh :** (a) Is it a fact that the Agent, North Western Railway, issued instructions to be observed at the time of reduction of establishment ?

(b) Will Government kindly lay those instructions on the table ?

(c) Does the case of Sadhu Singh, electrician of Multan Division North Western Railway, fall under any of the conditions laid down by the Agent ; if not, why was S. Sadhu Singh brought on the surplus list ?

(d) Is it a fact that the Agent was instructed by the Railway Board to give preference to and absorb the men brought under reduction ? If so, why has not the said Sadhu Singh been absorbed so far in service ?

Mr. A. A. L. Parsons : (a) and (b). I have called for information and will communicate with the Honourable Member on its receipt.

(c) Government have no information.

(d) Instructions were issued to the Agents of State Railways in respect of staff other than workshop staff, that persons discharged should be preferred to outsiders in future recruitment. Government have no information regarding the second part of the question.

POLICY OF COMMUNAL REPRESENTATION ON THE NORTH WESTERN RAILWAY.

624. *Sardar Sant Singh : (a) Is it a fact that a Divisional Personnel Officers' Conference was held in Lahore from 7th to 9th of May, 1931 ?

(b) Is it a fact that in the said conference a certain policy of communal representation was laid down ?

(c) Is it a fact that that policy related to the necessity for safeguarding the minority communities ; if so, do Government regard Sikhs to be a minority community in the Punjab ?

(d) Do Government regard the Muslim community in the Punjab as a minority community or a majority community ?

Mr. A. A. L. Parsons : (a) Yes.

(b) As a result of this Conference it was decided, with a view to safeguarding the interests of communities not adequately represented in the service, that the retrenchment of staff should be carried out so as to leave the proportion of such communities to the total staff unaltered.

(c) The first part is answered by the reply to (b). With regard to the second part I would refer the Honourable Member to my answer to parts (a) and (b) of his question No. 219, asked on the 11th September, 1931.

(d) Muslims are numerically the largest community in the Punjab.

RESULT OF THE DIVISIONAL PERSONNEL OFFICERS' CONFERENCE AT LAHORE.

625. *Sardar Sant Singh : Will Government kindly lay the result of the Divisional Personnel Officers' Conference held in Lahore from 7th to 9th May, 1931, on the table ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to my reply to part (b) of his previous question.

RECRUITMENT OF SIKH CLERKS TO THE NORTH WESTERN RAILWAY.

626. *Sardar Sant Singh : (a) Will Government kindly state the strength of the Sikhs on the North Western Railway in various cadres drawing Rs. 30 and above on the following dates :—(i) 28th February, 1931 ; (ii) 31st May, 1931, and (iii) 31st July, 1931 ?

(b) Is it a fact that the Sikhs have not been recruited in adequate numbers in clerks' posts in the Divisional Offices on the North Western Railway ?

Mr. A. A. L. Parsons : (a) The exact information asked for is not available but the number of Sikhs in the subordinate grades on the North Western Railway on the 31st March, 1931, was 1,706 while on the 30th June, 1931, it was 1,648.

(b) Government regret that they are not prepared to supply figures of communal representation in individual offices or classes of offices.

RECRUITMENT OF SIKH CLERKS TO THE NORTH WESTERN RAILWAY.

627 *Sardar Sant Singh : Will Government be pleased to state the number of Sikh clerks in each Divisional Office and the Headquarters

of the North-Western Railway separately on the following dates :—
(i) 1st January, 1925, (ii) 1st April, 1928, (iii) 28th February, 1931, and
(iv) 31st July, 1931 ?

Mr. A. A. L. Parsons : Government regret that they are not prepared to supply figures of communal representations regarding individual offices or classes of offices.

SAFEGUARDING THE INTERESTS OF SIKHS ON THE NORTH WESTERN RAILWAY.

628. *Sardar Sant Singh : Have Government fixed any percentage on the North Western Railway for various communities in the services ; if so, what percentage has been allotted to the Sikh community ?

Mr. A. A. L. Parsons : The answer to the first part is in the negative, the second part does not arise.

ALLEGATIONS MADE AGAINST MR. SMITH, DIVISIONAL ELECTRICIAN, NORTH WESTERN RAILWAY, MULTAN.

629. *Sardar Sant Singh : Has the attention of Government been drawn to an article in the *Railway Herald* published at Karachi, dated 15th March, 1931, under the heading " Serious allegations against Mr. Smith, Divisional Electrician, Multan " ? If so, what steps have Government taken to inquire into the serious allegations made by B. Jodh Singh, ex-electric cooly, against the said Mr. Smith ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to reply to questions Nos. 629 and 630 together and to refer the Honourable Member to the reply given by me on the 17th September in answer to question No. 537 put by Sirdar Harbans Singh Brar.

ALLEGATIONS MADE AGAINST MR. SMITH, DIVISIONAL ELECTRICIAN, NORTH WESTERN RAILWAY, MULTAN.

†630. *Sardar Sant Singh : (a) Have Government read the pamphlet published by B. Jodh Singh under the title " To all God fearing and righteous souls " ? If so, have the Railway Board instituted any departmental inquiry into the serious allegations of bribery and extortion levelled against the said Mr. Smith in the pamphlet ? If so, with what result ?

(b) Has Mr. Smith been asked to clear himself in a court of law ? If so, who is bearing the expenses of the prosecution lodged by Mr. Smith ?

(c) Will Government kindly state what has been the result of the case ?

(d) Have Government suspended Mr. Smith from service ; if not, why not ?

COMPENSATION TO SARDAR GANGA SINGH FOR THE SHOOTING OF HIS CHILDREN AND WIFE.

631. *Sardar Sant Singh : Is it a fact that the Honourable the Chief Commissioner, North-West Frontier Province, had announced that

†For answer to this question, see answer to question No. 629.

Sardar Ganga Singh whose two children were killed and wife seriously wounded by a British Lance Corporal on the last day of May 1930 at Peshawar was to be compensated and, if so, was he offered anything in cash or kind, and if so, how much ? Did Sardar Ganga Singh accept or refuse the offer and the reason for his doing so ?

Mr. E. B. Howell : Sir, with your permission, I propose to answer questions Nos. 631, 632 and 633 together.

I would invite the Honourable Member's attention to the answer given to question No. 304, asked in this Assembly by Mr. S. C. Mitra.

CONSTRUCTION OF A CHILDREN'S WARD AT THE PESHAWAR HOSPITAL IN MEMORY OF THE CHILDREN OF SARDAR GANGA SINGH.

†632. ***Sardar Sant Singh :** Did the Honourable the Chief Commissioner sanction the amount of Rs. 15,000, to build a children's ward in memory of the children of Sardar Ganga Singh ? If the answer is in the affirmative, will the Honourable Member please state when it will be built ? Did the public ask something more than this as suggested in the *Daily Milap*, dated the 30th August, 1930, and are Government prepared to consider this suggestion ?

MEMORIAL TO THE CHILDREN OF SARDAR GANGA SINGH.

†633. ***Sardar Sant Singh :** Has the attention of Government been drawn to the Public demand, *vide* the *Tribune*, dated 14th January 1931 and the *Hindu Herald*, dated 15th January 1931, that something should be done in memory of the shooting of peaceful and innocent processionists and carriers of the bier of the children of Sardar Ganga Singh ? If so, what steps do Government propose to take to do the needful ?

REPRESENTATION OF INDIANS ON PUBLIC BODIES IN FIJI.

634. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that there are about 75,000 Indians in Fiji, but they have not got even a single member in the Municipal, Legislative, or Executive Councils of the Colony ?

(b) What is the system of election to the various public bodies in Fiji, and why have Indians been excluded ?

(c) What is the approximate number of Englishmen and Europeans in Fiji, and what is their total representation in the various public bodies in the Colony ?

(d) Is the principle of a common franchise under a common electoral roll not in existence in Fiji ? If so, why ?

(e) What steps have Government taken so far, or propose to take now, to secure adequate representation of Indians in the various public bodies and institutions referred to in part (a) above, and the introduction of a common franchise and a common electoral roll in Fiji, and with what result ?

(f) Is it a fact that there is no Indian Agent in Fiji, similar to the one in South Africa, but there is a retired I.C.S. Englishman in Fiji, who is designated as Secretary for Indian Affairs ? What is his name and salary ; and is he paid out of Indian revenues ?

†For answer to this question, see answer to question No. 631.

(g) Why have not Government taken steps to appoint capable Indian Agent in Fiji, to look after the rights, interests, and welfare of the Indian settlers there ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Yes. The estimated population of Indians on the 31st December, 1929, was 73,121.

(b) and (d). I presume that by " public bodies " the Honourable Member means Municipal and Legislative Councils. For elections to Municipal Councils there is a common electoral roll, and every male elector, who is a natural born or naturalised British subject and is not otherwise disqualified, is capable of being elected a member of the Council. There is no bar against Indians. As regards the Legislative Council the constitution provides for the election of Indian and European members on the basis of a communal franchise. This system has apparently been considered necessary in the special circumstances of the colony.

(c) The estimated European population on 31st December, 1929, was 4,726. Separate figures for Englishmen are not available. There are 13 nominated and 6 elected European members on the Legislative Council. As regards the Municipal Councils, the names of the members given in the Blue Book of Fiji for 1929 show that they were all Europeans. The Government of India have no later information.

(e) As stated by me in reply to the Honourable Member's question No. 270 on the 2nd February, 1931, Government are giving their most careful consideration to this matter.

(f) There is no Agent of the Government of India in Fiji. The post of the Secretary for Indian Affairs, who is an officer of the Colonial Government, is occupied at present by Mr. J. R. Pearson, C.I.E., a retired member of the Indian Civil Service. His salary, which according to the Dominion Office and Colonial Office List, 1931, is £1,000 per annum, is not met from Indian revenues.

(g) I would invite the Honourable Member's attention to the papers published with the Department of Education, Health and Lands, Resolution No. 24-Overseas, dated the 12th January, 1927.

Mr. Gaya Prasad Singh : I should like to know what steps the Government of India propose to take to secure representation of Indians in the Legislative Council of Fiji.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I suppose persuasion is the only step we can take.

Mr. Gaya Prasad Singh : How far have they succeeded in their efforts of persuasion ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Not with signal success yet.

REPRESENTATION OF ABORIGINES OF BIHAR AND ORISSA AT THE ROUND TABLE CONFERENCE.

635. *Mr. Gaya Prasad Singh : (a) Have Government received any report of a Resolution passed by the Bihar and Orissa Legislative Council, with the concurrence of the Local Government, urging the representation of aborigines in the Minority Sub-Committee of the Round Table Conference ?

(b) What is the approximate population of the aborigines of Chota Nagpur (Bihar), and is it contemplated to treat Chota Nagpur as a distinct non-regulated area ? If so, why ?

The Honourable Sir George Rainy : (a) Yes.

(b) The approximate population of the aborigines in Chota Nagpur according to the latest census is 29½ lakhs.

Government are not in a position to make any statement in reply to the latter portion of this part of the question.

NON-RESTORATION TO THE CONGRESS OF THE ASHRAM IN THANA BIHPUR IN BIHAR.

636. *Mr. Gaya Prasad Singh : Will Government kindly state if they have received any report as to why the lands and property of the Congress Ashram in Thana Bihpur, District Bhagalpur, in Bihar, which was seized under Ordinance IX, has not yet been restored to Congress ?

The Honourable Sir James Crerar : Yes. I invite the Honourable Member's attention to item (3) under Bihar and Orissa in Schedule " A " to the statement published in a Gazette of India Extraordinary on the 24th August, 1931.

Mr. Gaya Prasad Singh : May I know why this delay has occurred in restoring the property to the Congress people ?

The Honourable Sir James Crerar : If the Honourable Member would be good enough to refer to the statement which I have quoted he will find the reply to his question.

OFFICER OF THE WOMEN'S MEDICAL SERVICE LENT TO THE INDIAN RED CROSS SOCIETY.

637. *Mr. Gaya Prasad Singh : (a) Will Government kindly state whether it is a fact that the Countess of Dufferin's Fund has lately given to the Indian Red Cross Society the loan of the services of one of the senior officers of the Women's Medical Service ? If so, on what terms and conditions have her services been lent ?

(b) Will Government also state how the gap thus created in the W. M. S. cadre has been, or is contemplated to be, filled in ? Are the pay, leave and provident fund allowances of the lent officer still a charge on the W. M. S. funds ?

(c) Is it a fact that the pay and allowances of W. M. S. officers are met from a grant from the Government of India ? If so, have Government considered the question as to whether the duties performed by the officer lent to the Indian Red Cross Society fulfil the object for which the grant is made ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). It has been ascertained that in consequence of the incorporation of the Lady Chelmsford All-India League for Maternity and Child Welfare, the Victoria Memorial Scholarships Fund for the training of indigenous *daits* and the National Baby Week Fund into the Maternity and Child Welfare Bureau of the Indian Red Cross Society, the W. M. S. Officer who had hitherto been mainly concerned in the administration of these funds

was transferred for employment as Director of the Bureau. Her pay and allowances, other than Secretarial allowances, continue to be met from Women's Medical Service Funds. No vacancy in the Women's Medical Service was created by the transfer.

(c) Government make an annual grant of Rs. 3,70,000 to the Countess of Dufferin Fund towards the maintenance of the Women's Medical Service. They do not, however, exercise any control over the internal affairs of the Fund which fixes the strength and the conditions of service of the Women's Medical Service. The answer to the second part of the question is in the affirmative.

PROSECUTIONS OF SIKHS FOR THE POSSESSION OF "KIRPANS".

638. *Sirdar Harbans Singh Brar : (a) Will Government please state the total number of prosecutions of Sikhs for the possession of *kirpan* (sword) in different provinces of India ?

(b) Is it a fact that there has been a large number of prosecutions in the Bombay Presidency and are Government aware that there is widespread discontent in the Sikh community ? Do Government contemplate the exemption of Sikhs in possession of *kirpans* from the operations of the Arms Act throughout India ?

The Honourable Sir James Crerar : (a) I regret that the information asked for is not in the possession of the Government of India.

(b) I would refer the Honourable Member to the reply given in February last to question No. 405 put by Sardar Sant Singh. The Honourable Member will see from this, that in February last no Sikhs were undergoing imprisonment in the Bombay Presidency for contravention of the rules under the Arms Act. This does not suggest that there has been a large number of prosecutions in that Presidency, but I am ascertaining the facts and will communicate them to the Honourable Member.

Mr. Lalchand Navalrai : Will the Honourable Member be pleased to say if it is not a fact that Sikhs are allowed to wear *kirpans* of a certain size ?

The Honourable Sir James Crerar : The regulations vary in the various provinces of India.

Mr. Lalchand Navalrai : May I know if there are any prosecutions on account of the difference in size of *kirpans* or on any other account ?

The Honourable Sir James Crerar : I am not aware of any prosecutions.

Sardar Sant Singh : May I know why this difference is allowed in various provinces—a difference leading to prosecutions ? No size of *kirpan* is fixed in the Punjab.

The Honourable Sir James Crerar : As I have pointed out, the provinces have got powers to make rules of their own under the Arms Act. Those rules vary in different provinces. I cannot give a specific answer to the Honourable Member's question.

Sardar Sant Singh : May I know if the Government of India regard this differentiation in the different provinces with approval ?

The Honourable Sir James Crerar : I am not aware of any circumstances which would lead me to regard it with disapproval.

Mr. Lalchand Navalrai : I hope the Honourable Member regards all Sikhs as Sikhs of the Punjab, wherever they may be residing ?

The Honourable Sir James Crerar : We certainly regard them all as Sikhs, but whether we regard them as Sikhs of the Punjab is rather a different matter.

Mr. Lalchand Navalrai : My question is with reference to the Arms Act being applied to Sikhs residing in other provinces ?

The Honourable Sir James Crerar : The regulations relating to the Arms Act vary in different provinces.

Sirdar Harbans Singh Brar : Is the Honourable Member aware that three or four prosecutions have recently taken place in Sukkur alone ?

The Honourable Sir James Crerar : No, Sir ; I have no information. As I have already pointed out, I will make inquiries on that point and have promised to communicate the result to the Honourable Member.

Sirdar Harbans Singh Brar : If I submit the judgments to the Honourable Member, will he consider the matter ?

The Honourable Sir James Crerar : I will certainly consider the matter after the Honourable Member places the information before me.

POPULATIONS OF THE PROVINCES ACCORDING TO THE RECENT CENSUS.

639. ***Sirdar Harbans Singh Brar :** (a) Will Government please state the total population of the different provinces in British India according to the 1931 census by religion ?

(b) Is it a fact that in Bengal the Muslims have become a minority according to the 1931 census ?

(c) Is it also a fact that the Hindus have decreased in the Punjab by about 4 per cent. in the present census ?

The Honourable Sir James Crerar : (a) The Honourable Member is referred to provisional table D of the Resolution which appeared in the last issue of the Gazette of India.

(b) and (c). No.

RAILWAY OFFICERS DISCHARGED AND REAPPOINTED.

640. ***Sirdar Harbans Singh Brar :** (a) Will Government please state the total number of officers (permanent or temporary) of more than 3 years' service who have been discharged during the present financial year by different Railway Administrations ?

(b) What is the total number of those who have been newly appointed during the present financial year by different Railway Administration ?

Mr. A. A. L. Parsons : I have called for information and will communicate with the Honourable Member on its receipt.

NEW APPOINTMENTS CREATED BY GOVERNMENT OF INDIA DEPARTMENTS.

641. ***Sirdar Harbans Singh Brar :** (a) Is it not a fact that, while reductions are being carried out or are in contemplation, the different Departments of the Government of India like the Railways, Archæology,

Posts and Telegraphs, etc., have made or are making new appointments to their superior establishments ?

(b) What action do Government propose to take to check this practice and to declare null and void all appointments made during the present financial year ?

The Honourable Sir George Schuster : The whole question of retrenchment is at present under investigation by the Retrenchment Advisory Committee. Pending the completion of their enquiries, all appointments to any posts, permanent or temporary, of persons not already in Government service are being made on a provisional footing that is to say, in an officiating capacity.

COMMUNITIES OF EMPLOYEES DISCHARGED FROM THE RAILWAY CLEARING HOUSE, DELHI.

642. ***Sirdar Harbans Singh Brar :** Will Government please state the total number of Hindus, Muslims and Sikhs in the establishment of the Railway Clearing House at Delhi on the 1st of January, 1931, and the total number of those who have been discharged or have been served with notices of discharge since that date and how many of them are Hindus, Muslims and Sikhs ?

Mr. A. A. L. Parsons : For reasons which I have before explained in this House, Government regret they are not prepared to give figures showing the composition by communities of the staff of individual railway offices.

COMMUNITIES OF EMPLOYEES DISCHARGED OR REDUCED IN CERTAIN NORTH WESTERN RAILWAY DEPARTMENTS.

643. ***Sirdar Harbans Singh Brar :** Will Government be pleased to state the total number of Hindus, Muslims and Sikhs in the superior revenue establishment (permanent or temporary) of the North Western Railway Engineering, Transportation and Commercial Departments on the 1st of January, 1931, and the total number of Hindus, Muslims and Sikhs who have been discharged or have been served with notices of discharge or have been reduced in rank since that date ?

Mr. A. A. L. Parsons : I have called for certain information and will communicate with the Honourable Member on its receipt.

QUALIFYING EXAMINATION FOR THIRD DIVISION CLERKS.

644. ***Sirdar Harbans Singh Brar :** (a) Will Government please state whether the standard of the qualifying examination held by the Public Service Commission this year for Third Division clerks was kept higher than the similar qualifying examination held last year ?

(b) What was the percentage of candidates who passed in both these examinations ?

(c) Are Government aware that some candidates who failed to pass this year's qualifying examination came out successful in the competitive examination ? What was the number of such candidates ?

(d) What was the object of holding a qualifying examination ?

The Honourable Sir James Crerar : (a) No qualifying examination for the Third Division was held last year. The question of comparison does not therefore arise.

(b) The percentage for 1931 was 18.4.

(c) Yes ; four.

(d) To give temporary clerks working in the Third Division an opportunity of qualifying for permanent employment in that Division.

SIKH CANDIDATES AT EXAMINATIONS FOR THE CLERICAL SERVICE IN GOVERNMENT OF INDIA OFFICES.

645. *Sirdar Harbans Singh Brar : (a) Will Government please state the number of Sikh candidates who passed in the qualifying and competitive examinations held this year for clerical service ?

(b) Is it a fact that soon after the publication of results the Public Service Commission exhausted the list of qualified Sikhs and were unable to nominate one for the office of the Director General of Indian Medical Service ?

(c) Did the Khalsa Young Men's Association, Simla, submit a representation drawing the attention of Government to the sad plight of Sikhs in the examinations held by the Public Service Commission ?

(d) What action did Government take on that representation ?

The Honourable Sir James Crerar : (a) Three, for the Third Division. No qualifying standard was fixed for the competitive examination for the First and Second Divisions.

(b) No.

(c) Yes.

(d) Government acknowledged the representation and explained their policy in the matter.

NUMBER OF SIKHS EMPLOYED IN CERTAIN OFFICES.

646. *Sirdar Harbans Singh Brar : (a) Will Government please state the number of permanent Sikhs now employed in the following offices as compared with the total staff :

The Director General, Indian Medical Service.

The Director General of Archæology.

The Public Service Commission.

The Central Printing Office.

The Director of Contracts.

The Legislative Department.

The Railway Board.

The Imperial Council of Agricultural Research.

The Public Works Branch, Department of Industries and Labour ?

(b) What steps do Government propose to take to qualify a sufficient number of Sikhs for appointment in these offices as vacancies occur ?

(c) Did the Public Service Commission submit a proposal for holding a special examination for qualifying Muhammadans for appointment in the Government of India offices ? If so, why was not a similar proposal made for qualifying Sikhs ?

(d) Has this proposal been accepted ? Will Government please lay the relevant correspondence on the table ?

(e) Have Government instructed the Public Service Commission to qualify a large number of Muhammadans in the next examination pending which unqualified Muhammadans are to be retained in service ?

(f) Do Government propose to issue similar instructions in regard to Sikh candidates ? If not, why not ?

The Honourable Sir James Crerar : (a) The figures as they stood on the 31st December, 1930, will be found in the statements showing the communal composition of the clerical staff of the Government of India offices for 1930, copies of which are in the Library.

(b) Government will pursue their policy of reserving a proportion of vacancies to be filled by members of minority communities for the redress of communal inequalities.

(c) The reply to the first part is in the affirmative. No such proposal was made in respect of Sikhs, as the number of Sikhs who qualified was sufficient to fill the vacancies for Sikh candidates.

(d) The proposal was not accepted. I regret I am unable to lay the correspondence on the table.

(e) No such instructions were given. Government informed the Public Service Commission that unqualified members of minority communities occupying vacancies earmarked for those communities would be retained in service until qualified members of those communities were available for appointment.

(f) Does not arise.

Dr. Ziauddin Ahmad : May I ask whether the Home Department accepted the recommendations of the Public Service Commission, if not, why not ?

The Honourable Sir James Crerar : If the Honourable Member will consider the reply to part (e) of the question, he will find an answer to his question.

Dr. Ziauddin Ahmad : My question refers to part (c), Sir ?

The Honourable Sir James Crerar : No, Sir, the proposal was not accepted for the reasons given in part (e) of my reply.

SAFEGUARDING OF THE INTERESTS OF SIKHS IN PAY AND ACCOUNTS OFFICES.

647. *Sirdar Harbans Singh Brar : (a) Is it a fact that the Government of India have decided to abandon the scheme of separation of Accounts from Audit ?

(b) If so, will Government be pleased to state whether the interests of the Sikhs who are at present working in the Pay and Accounts Offices will be safeguarded ?

The Honourable Sir George Schuster : (a) In view of the financial stringency, the Government of India, with the approval of the Secretary of

State, have decided to abandon the experimental scheme of separation of Accounts from Audit in Civil Departments.

(b) I would refer the Honourable Member to my reply to part (b) of Sirdar Sant Singh's starred question No. 565.

REPRESENTATIONS ON THE PLIGHT OF INDIANS IN BURMA.

648. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) :
(a) Will Government please state if they have received any representations from public bodies and individuals regarding the plight of Indians in Burma ?

(b) If the answer to part (a) be in the affirmative will Government be pleased to state who are the representative bodies ?

(c) If the answer to part (a) be in the affirmative, will Government be pleased to state what replies they have sent to the said representations ?

(d) Will Government be pleased to publish the correspondence that has passed between representative public bodies in India and the Government of India on the Burmese situation ?

(e) What steps have Government taken on the said representations and with what effect ?

The Honourable Sir James Crerar : Representations have been received by the Government of India from the Bihar and Orissa Chamber of Commerce, the Federation of Indian Chambers, Madras, the Indo-Burma Labour Committee, Madras, and certain other bodies and individuals. These have been communicated to the Government of Burma, the writers being informed of the action taken. Government do not propose to publish the correspondence.

SERIOUS SITUATION OF INDIANS IN BURMA.

649. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) :
(a) Are Government aware that Burma has been for a long time the abode of a large number of Indians from all the provinces in India ?

(b) Are Government aware that the reports appearing in newspapers and those received from private sources indicate that the situation is very serious for Indians living in Burma ?

The Honourable Sir James Crerar : (a) Yes.

(b) I lay a statement on the table which gives the facts.

Statement.

The trouble between Burmans and Indians took an active form towards the end of February in the country lying on either side of the border between the Pegu and Toungoo districts. This local outbreak was not at first of a serious character, but communal feeling was inflamed by exaggerated accounts of it that appeared in the Press and elsewhere, and as a result a further outbreak occurred in this locality and later spread to Hanthawaddy district and to several districts of the Irrawaddy Division. The Local Government and the District Officers took all measures possible to cope with the trouble. It must, however, be understood that the local conditions make it a matter of great difficulty to deal promptly and effectively with sporadic acts of the nature that were committed. Lower Burma is comparatively sparsely populated. There are few villages, and these villages are separated by large tracts of paddy land. Dotted about among these paddy lands are small thatched huts occupied by cultivators of lands lying far from the village, and also stacks of straw which provide fodder for the cattle. It was, therefore, a simple matter for two or three Burmans to slip

out on dark nights into the paddy fields and to apply a torch to these field huts and straw stacks. Preventive action was a matter of great difficulty as was also the detection of the culprits. Moreover, owing to the rebellion the forces at the disposal of the Local Government were necessarily limited. Nonetheless the District Officers of the districts affected spent the greater part of their time on tour and did all that was possible to allay communal feeling. Military Police were placed at their disposal and, as a result of the measures taken, the trouble has been suppressed. Where this was considered desirable action was taken under the Village Act and collective fines were imposed on villagers.

Communal trouble has now largely died down and, although there are occasional attacks by Burmans on Indians and also on Chinese, there is reason to believe that the object of these attacks is not so much to satisfy communal feeling as to obtain loot. For the time being, confidence appears to have been restored among the Indian community, but they are naturally apprehensive in regard to what may happen in the future. The Local Government will take every possible precaution to prevent a further outbreak.

2. The figures collected by the police up to the end of August show that in the districts affected there were 107 cases of dacoity and 65 cases of murder, in which the victims were Indians as compared with 27 dacoities and 14 murders for the whole of 1930. The outbreak was, therefore, a serious one, though fortunately it did not attain the dimensions attributed to it by some sections of the Press. In particular, the effect on emigration of Indians from Burma has not been so large as is generally supposed. A careful comparison of statistics shows that during the first 7 months of this year 187,000 Indians left Burma in comparison to 184,000 in the corresponding period of 1929.

NUMBER OF INDIANS ASSAULTED, ROBBED, ETC., IN BURMA.

650. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to publish detailed statement of (a) the Indians, their number and names, assaulted, robbed, injured and murdered in Burma, (b) the extent of their loss of property, since the rebellion began, (c) the number of Indian emigrants from Burma since the outbreak, and (d) the amount of compensation given or proposed to be given to the said Indians ?

The Honourable Sir James Crerar : (a), (b), (c) and (d). I would invite the Honourable Member's attention to the reply given by me to his question No. 314 on the 15th September and to Rao Bahadur M. C. Rajah's question No. 505 on the 17th September.

MILITARY WOUNDED AND MURDERED IN BURMA.

651. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to publish a detailed statement of (a) the number of the military, wounded and murdered in the Burmese rebellion, (b) the communities to which the military belong, and (c) the amount of compensation given or proposed to be given to those who were injured or to the heirs of those murdered since the outbreak ?

Mr. G. M. Young : (a) 13.

(b) The information has been called for and will be supplied to the Honourable Member on receipt.

(c) Disability and family pensions and gratuities will be granted under the conditions and at the rates laid down for field service.

PROCLAMATION OF MARTIAL LAW IN BURMA.

652. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state why martial law was not proclaimed in Burma ?

The Honourable Sir James Crerar : With your permission, Sir, I will answer questions Nos. 652 and 653 together.

I would refer the Honourable Member to the statement by His Excellency the Governor General issued in a Gazette of India Extraordinary on the 1st August, 1931, in connection with the promulgation of the Burma Emergency Powers Ordinance (V of 1931).

PROCLAMATION OF MARTIAL LAW IN BURMA.

†653. ***Mr. K. P. Thampan** (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state if the Government of Burma sought their sanction for the introduction of martial law in Burma or whether the two Governments held any consultation regarding the introduction of martial law and, if so, why was martial law not introduced and what was the attitude of His Majesty's Government with regard to the introduction of martial law in Burma ?

DEVELOPMENT OF BURMA BY IMMIGRANTS FROM BIHAR AND ORISSA AND THE UNITED PROVINCES.

654. ***Mr. K. P. Thampan** (on behalf of Mr. C. S. Ranga Iyer) :
(a) Will Government be pleased to state if it is not a fact that the people of Bihar and Orissa and of the United Provinces and other Provinces were encouraged in the eighties of the last century to migrate to Burma with a view to develop the country and its agricultural resources in jungle lands which were not till then yielding revenue to Government ?

(b) Will the Government be pleased to state whether it is not a fact that a large number of people from Bihar and the neighbouring districts of the United Provinces have settled in Burma in the course of these years and taken to cultivation or trade ?

The Honourable Sir James Crerar : With your permission, Sir, I will reply to questions Nos. 654, 655 and 657 together. The Government of Burma have been asked to furnish the necessary information and I will send the Honourable Member a reply in due course.

LOSSES OF IMMIGRANTS FROM BIHAR AND ORISSA AND THE UNITED PROVINCES SETTLED IN BURMA.

†655. ***Mr. K. P. Thampan** (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state :

- (a) whether the people from Bihar and the United Provinces, who have settled in Burma, have large monetary dealings in Burma and also trade with their mother country ; and
- (b) whether any correspondence has passed between the Government of India and Burma and the respective Provincial Governments on the subject of the effect of the unsettled state of affairs in Burma on trade and the effect of the losses of the Bihar and United Provinces settlers in Burma on the economic conditions of the Province ?

†For answer to this question, see answer to question No. 652.

‡For answer to this question, see answer to question No. 654.

SERIOUS SITUATION OF INDIANS IN BURMA.

656. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government please state whether the Bihar and Orissa Chamber of Commerce has drawn the attention of the Government of India to "the serious situation of Indians particularly of Biharis in that country" and urged that Government should take special measures to protect the lives of Indians in Burma? What special measures have been taken so far?

The Honourable Sir James Crerar : The answer to the first part of the Honourable Member's question is in the affirmative. With regard to the second part I would refer the Honourable Member to the reply given by me to his question No. 649.

PROTECTION OF INDIANS IN BURMA.

†657. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state :

- (a) whether they have suggested to the Burma Government to depute armed guards to such parts of the country where Indian settlements are fairly large, particularly in Toungoo and Pegu districts ;
- (b) whether where the Indians are willing to contribute to the costs required for the purpose, any preference was sought in their favour by the Bihar Chamber of Commerce and, if so, with what result ;
- (c) whether licences of fire-arms to Indians were liberally granted and, if not, why not ; and
- (d) whether facilities will be given for the Indian population wherever it is scattered and scanty in order to bring them to large centres of Indian settlements ?

FINANCIAL AID FOR INDIANS IN BURMA.

658. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state :

- (a) whether Government have taken adequate steps to give Indians settled in Burma sufficient financial help ; and
- (b) if so, what are those steps and, if none, why ?

The Honourable Sir James Crerar : (a) and (b). I presume the Honourable Member's question has reference to conditions prevailing this year in Burma as a result of the rebellion. The only financial assistance which Government are in a position to grant is in the shape of loans to agriculturists. The Local Government have a large provision for this purpose in the current Budget.

EXPORT OF MONKEYS FROM INDIA.

659. *Mr. K. P. Thampan (on behalf of Mr. C. S. Ranga Iyer) : Will Government be pleased to state :

- (a) if their attention has been drawn to an editorial paragraph in the *Times of India* and an article by Mr. W. G. Ward in the

† For answer to this question, see answer to question No. 652.

same paper reprinted in the Calicut *Champion* of August 23rd, under the title, "*The Monkey Trade : Cruelty in Transit*";

- (b) if it is a fact that the Railways refuse to take monkeys as freight during the months of March, April, May, June and July ; if so, why ;
- (c) if they are aware that during these hot months monkeys are transported in lorries to Bombay ; and
- (d) if they are aware that monkeys bound for the United States are used mainly for rejuvenation, while those bound for Hamburg go to the Manager of a large zoo ; if not, what are the facts ?

The Honourable Sir James Crerar : (a) Yes.

(b) On account of the heat, monkeys are not booked to Karachi by the North Western Railway during the months of March to September, and on other Railways there are no bookings during the months of March to July.

(c) The only official information Government have, is that contained in a communiqué issued by the Government of Bombay and published in the issue of the Leader, dated the 13th September, 1931.

(d) Government are not in possession of the facts.

EXPORT OF MONKEYS FROM INDIA.

660. ***Mr. K. P. Thampan** (on behalf of **Mr. C. S. Ranga Iyer**) : Will Government be pleased to state :

- (a) if they are aware that monkeys are bought in India for Rs. 2 or 3 each and sold abroad for Rs. 10 or more each ;
- (b) if Government are aware that the export trade in monkeys is a profitable one ;
- (c) if they are aware of the conditions of transit within India of monkeys from the places of their capture to the ports of exportation and, if so, what are the conditions like ;
- (d) if they have informed provincial authorities to prevent the squeezing together of monkeys during transit ; if not, why not ; if yes, whether they will place the correspondence on the table ; if not, why not ; and
- (e) if, and when, steps will be taken to prohibit monkey-export ; if not, why not ?

The Honourable Sir James Crerar : (a) and (b). The Government of India have no information.

(c) Railways transport monkeys only in strong wooden or bamboo cages at least 2 feet in height. For a small sized monkey the minimum space must be $\frac{1}{2}$ cubic foot ; for a medium sized monkey 1 cubic foot ; and for a large sized monkey 2 cubic feet. Not more than 25 small, 20 medium and 10 large sized monkeys are loaded in one cage. Food and water are supplied for the journey and where the journey is over 12 hours an attendant must accompany the animals to supply them with food, etc.

(d) and (e). I will include a reply on these points if I can in the communication I have promised the Honourable Member in my answer to his question Nos. 615—618.

ANNUAL EXAMINATION FOR RECRUITMENT TO THE MINISTERIAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA AND ATTACHED OFFICES.

661 *Mr. S. C. Mitra : (a) Is it a fact that Government have decided to hold annual examinations for recruitment to the ministerial establishment of the Government of India and its Attached Offices ?

(b) Do Government propose to hold this examination for the next recruitment year also ?

(c) Is it the intention that those persons who are axed as a result of the retrenchment proposals will have to be provided for in preference to others and that consequently the number of vacancies that it will be possible to throw open for external recruitment will be very small ?

(d) Is it a fact that there is still a large number of men who qualified for the various grades as early as 1920 and have not yet been permanently provided for ?

(e) Are Government prepared to consider the advisability of not holding any examination during the next recruitment year ?

(f) If the reply to the above is in the affirmative, are Government prepared to consider the advisability of filling the vacancies that may occur in the interval from the existing list of qualified men ? If not, why not ?

The Honourable Sir James Crerar : (a) Yes, provided there are enough vacancies to justify this.

(b) It is not yet possible to say whether an examination will be held next year.

(c) The possibility of finding alternative employment for retrenched officers whose work has been satisfactory will be duly considered. In so far as retrenched officers are given such employment, the number of vacancies for appointment otherwise will be reduced.

(d) The information available shows that in August, 1930, there were only five such men who had not been permanently provided for.

(e) and (f). The matter will be considered when the requirements are known.

AGRICULTURAL DEPRESSION AND AGRARIAN DISTRESS.

662 *Sirdar Harbans Singh Brar (on behalf of Lala Hari Raj Swarup) : (a) Are Government aware that the whole system of agricultural rent and land revenue has been disorganised under stress of the acute agricultural depression and there have been agrarian troubles in various provinces ?

(b) What steps have the Government of India taken to solve these difficulties ?

(c) Why do Government not appoint a small committee of officials and non-officials to go into the whole question of agricultural depression and agrarian distress ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b) and (c). Provincial Governments are taking necessary action.

The whole subject was thoroughly discussed in this House in the debates on the two Resolutions moved on the 10th instant, and there is no more to be added to what I stated then.

CAUSE OF FALL IN PRICES IN INDIA.

663. *Sirdar Harbans Singh Brar (on behalf of Lala Hari Raj Swarup) : (a) Is it a fact that Government instituted an inquiry to investigate into the causes of the rise in prices in 1914 ?

(b) Do Government similarly propose to find out the causes of the present unprecedented fall in prices ?

(c) What steps do Government propose to take to investigate the causes of the present slump in prices ?

The Honourable Sir George Schuster : (a) Yes.

(b) and (c). The present fall in prices is not confined to India alone. It is due to world causes and the Government of India consider that no useful purpose would be served by instituting an enquiry in India.

FALL IN THE PRICES OF WHEAT.

664. *Sirdar Harbans Singh Brar (on behalf of Lala Hari Raj Swarup) : (a) Will Government be pleased to state the price of wheat in India from month to month since the imposition of the import duty on wheat ?

(b) Is it a fact that in spite of the import duty there has been a continuous fall in the prices of wheat ?

(c) What further steps do Government propose to take in order to maintain the price of wheat ?

The Honourable Sir George Rainy : (a) I lay on the table a statement showing week by week the prices of Indian wheat *f. o. r.* Lyallpur since the imposition of the import duty.

(b) and (c). The attention of the Honourable Member is invited to my speeches in the Legislative Assembly on the 31st March, 1931, on the Wheat (Import Duty) Bill in which I explained that, apart from securing the Indian market for the Indian produce, the import duty was not likely to have any effect on the prices of wheat in India until the surplus existing in the Northern India markets was absorbed and that any action that could be taken would not have the effect of raising the level of prices. As will be seen from the statement laid on the table, there has not actually been a continuous fall in wheat prices since the import duty was imposed. The price has fluctuated and is not now much below the figure at which it stood immediately before the import duty became effective.

Price of wheat.

Per maund
f. o. r. Lyallpur.
Rs. a. p.

March,	19	..	..	..	..	..	1	15	0
	26	..	..	..	..	..	2	0	0
April,	2	..	..	..	..	..	1	14	0
	9	..	..	..	..	..	1	12	3
	16	..	..	..	..	..	1	13	6
	23	..	..	..	..	..	1	13	9
	30	..	..	..	..	..	1	9	6

Price of wheat.							Per maund f. o. r. Lyallpur.	
							Rs. a.	p.
May,	7	..	..	..	..	..	1 11	0
	14	..	..	..	..	..	1 13	6
	21	..	..	..	..	..	1 13	3
	28	..	..	..	..	..	1 10	0
June,	4	..	..	..	..	..	1 9	6
	11	..	..	..	..	..	1 10	9
	18	..	..	..	..	..	1 9	6
	25	..	..	..	..	..	1 10	0
July,	2	..	..	..	..	..	1 9	0
	16	..	..	..	..	..	1 8	0
	23	..	..	..	..	..	1 9	6
	30	..	..	..	..	..	1 14	0
August,	6	..	..	..	..	..	1 12	6
	13	..	..	..	..	..	1 14	6
	20	..	..	..	..	..	1 13	6
	27	..	..	..	..	..	1 12	6
September,	3	..	..	..	..	..	1 11	6

Dr. Ziauddin Ahmad : Will the Honourable Member admit that on account of the unprecedented concessions given to some of the Bombay merchants at the time when we passed this Wheat Bill, a very large amount of wheat has been imported during the last few months ?

The Honourable Sir George Rainy : I have given, in reply to a previous question, the figures of actual importation of wheat.

RETRENCHMENT IN THE SALARIES OF SUPERIOR SERVICES.

665. ***Sirdar Harbans Singh Brar** (on behalf of Lala Hari Raj Swarup) : (a) Has any correspondence passed between the Government of India and the Secretary of State on the question of retrenchment in salary of the superior services ? If so, will Government be pleased to lay on the table a copy of that correspondence ?

(b) Have they arrived at any decision on this question ? If so, what ?

The Honourable Sir George Schuster : Government are unable to make any statement at present.

GOVERNMENT POLICY IN REGARD TO CIVIL AVIATION.

666. ***Sirdar Harbans Singh Brar** (on behalf of Lala Hari Raj Swarup) : In view of the various conflicting reports in the papers, will Government be pleased to state clearly its present and future policy with regard to civil aviation in India ?

Mr. J. A. Shillidy : I regret that no statement on the present and future policy with regard to Civil Aviation in India can be made until Government have reached a decision on the recommendations of the Retrenchment Committee.

LICENSES FOR CARRYING ON TRADE IN CANTONMENTS.

667. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that the All-India Cantonments' Association had a lengthy correspondence with Government on the correct interpretation of section 210 (3) (a) of the Cantonments Act ?

(b) Is it a fact that the Association's reading of the section is :

(i) that it exempts persons carrying on trade before April, 1924, when the new Cantonments Act came in force, from applying for licenses for trades and occupations enumerated in section 210 (1) ;

(ii) that the above exemption cannot be withdrawn except for strong sanitary reasons ;

(iii) that the fact of an old shopkeeper applying for a licence in ignorance of the provision of the exemption, does not deprive him of the benefit of the same ?

(c) Will Government be pleased to state the views they have conveyed to the Association on the above points ? Did they consult their Legal Adviser before expressing their views ?

(d) Are Government aware that the practical result of Government interpretation of the section is to deprive the old shopkeepers of the above concession and that this has caused great discontent among them ?

(e) Do Government propose to take legal opinion in the matter and issue an authoritative ruling ?

Mr. G. M. Young : (a) Yes.

(b) Yes.

(c) A copy of Army Department letter No. 794-R. (A. D.-4), dated the 1st December, 1930, on the interpretation of section 210 (3) (a) of the Cantonments Act, 1924, is placed on the table.* This letter was issued in consultation with the Legislative Department of the Government of India.

(d) The Honourable Member will be able to see from the letter laid on the table in reply to part (c) that in the view of Government the section does not confer the supposed concession. Consequently no question of depriving any one of that concession arises.

(e) Government do not propose to take any further legal opinion. Any party aggrieved by the operation of the section as interpreted by Government is free to seek a remedy in the courts if so advised.

*COPY OF A LETTER FROM DIRECTOR, MILITARY LANDS AND CANTONMENTS, TO THE HONORARY SECRETARY, ALL-INDIA CANTONMENTS ASSOCIATION, AMBALA, No. 794-R.A.D.-4, DATED THE 1ST DECEMBER 1930.

Interpretation of section 210 (3) (a) of the Cantonments Act, 1924. •

In continuation of Army Department letter No. 713-R./A.D.-4, dated the 1st November 1930, on the above subject, I am directed to say that in the opinion of the Government of India your assumption that a person who was carrying on his trade in the cantonment at the commencement of the Cantonments Act, 1924, cannot be required to apply for a licence under section 210 without " good reason " is not correct. The application of section 210 to such persons is differentiated from its application

to any other person by the provision of clause (a) of sub-section (3) and not otherwise. That clause provides special treatment for such person in the following respects :—

- (1) He is not bound to apply for a licence till he has received the requisite notice.
- (2) If the Cantonment Authority refuses to grant a licence, he is entitled to compensation.

The notice referred to in clause (a) of sub-section (3) is not a notice imposing an obligation to apply for a licence, but a notice informing the recipient of the existence of that obligation, and if a person not bound to apply for a licence till he receives such notice elects spontaneously to apply for a licence, whether in ignorance of the provisions of clause (a) of sub-section (3) or otherwise, the first element in that clause becomes spent and the applicant is to this extent placed on the same footing as an applicant for a licence under section 210 to whom clause (a) of sub-section (3) does not apply, i.e., his licence, if he obtains one, is valid for one year and must be renewed thereafter. Spontaneous application for a licence by a person to whom clause (a) of sub-section (3) applies does not of course deprive that person of the benefit of the second provision made in clause (a), namely, that if a licence is refused, the Cantonment Authority must pay compensation for any loss incurred by reason of the refusal.

AMENDMENT OF THE CANTONMENTS ACT.

668. ***Dr. Ziauddin Ahmadi** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that in introducing the Cantonments Bill in the Legislative Assembly and the Council of State in 1923, the then Army Secretary made it clear that there was a possibility of many defects in the Bill coming to light in its actual working ?

(b) Are Government aware that the All-India Cantonments' Conference held in 1928 at Jubbulpore passed a resolution urging the desirability of a special committee of officials and non-officials being appointed to report about the amendments to be made in the Act in the light of actual experience of its working since its introduction in 1924 ?

(c) Is it a fact that the Army Secretary, Government of India, held out an assurance to a deputation of the All-India Cantonments' Association that met him in 1929 at Simla that the proposal of appointing a Committee will be considered by Government ?

(d) Is it a fact that the Government of India had to issue a large number of circulars about the interpretation and application of many sections of the Act ?

(e) Is it a fact that the volume of these circulars issued to explain various sections of the Act is as big as the Act itself ?

(f) Are Government prepared to appoint a committee of officials and non-officials at an early date to consider and to report what changes are necessary in the Act ?

Mr. G. M. Young : (a) The Honourable Member is referred to the official record of the speeches of the then Commander-in-Chief and Army Secretary on the Bill. I have not been able to find in them any statement to the effect suggested by the Honourable Member.

(b) A conference was held at Jubbulpore in 1929, and passed a resolution to the effect stated.

(c) The Army Secretary, on the occasion in question, stated that in his opinion no useful purpose would be served at present by constituting such a committee of inquiry. He promised, however, to consider the matter further.

(d) and (e). The answer is in the negative.

(f) No, Sir. Government consider that there is no necessity for the appointment of such a committee, which would moreover entail considerable expenditure. They are always willing to examine any defects in the working of the Act that may be brought to their notice, and have introduced and carried several amendments to the Act in this House during the past seven years.

APPOINTMENT OF PRESIDENT OF THE SECUNDERABAD CANTONMENT BOARD.

669. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that Lt.-Col. E. C. D. Thorne, Executive Officer, Mhow Cantonment, has been appointed as the President of the Secunderabad Cantonment Board ?

(b) Are Government aware that under section 20 of the Cantonments Act, the Commanding Officer of the Cantonment is the legally constituted President of the Cantonment Board ?

(c) Does Lt.-Col. E. C. D. Thorne occupy the position of the Officer Commanding of the Cantonment, if not, under what section has this appointment been made ?

(d) What are the reasons that have led Government to appoint a permanent President of the Cantonment Board ?

(e) In how many Cantonments has such an appointment been made or is proposed to be made ?

Mr. G. M. Young : (a) Yes, except that the officers' initials are A. C. D. not E. C. D.

(b) Government are aware of the legal position, which, in Secunderabad, is not as stated by the Honourable Member.

(c) Lieutenant-Colonel Thorne is not the Officer Commanding the Cantonment. His appointment has been made under sub-section 1 (A) of section 20 of the Cantonments Act, 1924, as applied to the Cantonment of Secunderabad.

(d) I do not know what the Honourable Member means by "Permanent President". Lieutenant-Colonel Thorne is a whole-time President, but his appointment is not more "permanent" than that of other Presidents. Government considered a whole-time appointment necessary, as Secunderabad is by far the largest cantonment in India.

(e) A similar appointment has not been made in any other cantonment, nor is there, at present, any proposal to that effect.

CREATION OF ELECTED BOARDS IN CANTONMENTS.

670. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Will Government be pleased to state in how many cantonments having a civil population of 2,500 or more elected Boards have not been created ?

(b) Will Government please state in each case their reasons for not creating an elected Board ?

(c) Are Government aware that the people of Chakrata, Nowgong, Risalpur, have already expressed their grievance in this connection more than once ?

(d) Will Government be pleased to state the considerations that weigh with regard to their decision in the matter of creation of elected Boards apart from the consideration of population ?

Mr. G. M. Young : (a) 19. Of these, five cantonments, four of which are on the Frontier, have nominated Boards.

(b) and (d). The local conditions, financial position and the size and character of the civil population, which is mainly composed of persons of the follower class, do not justify the creation of elected Boards.

(c) Yes. Nowgong no longer contains troops, and will shortly be converted into a civil station when the Cantonments Act will be withdrawn. In Chakrata and Risalpur the civil population is only slightly above the prescribed minimum, and consists mainly of menial classes. The number of electors would be too small in either case to justify an elected Board.

ALLEGED REACTIONARY BYE-LAWS IN MARDAN CANTONMENT.

671. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Has the attention of Government been drawn to an article published in the *Cantonment Advocate* of August, 1931, under the heading 'Reactionary bye-laws in Mardan Cantonment' ?

(b) Is it a fact that the bye-laws contemplate leaving the inspection of municipal files by the public and the furnishing of copies of municipal papers to the public to the discretion of the Executive Officer ?

(c) Are Government aware that section 289 of the Cantonments Act already lays down specific documents, of which a copy can be given to the public ?

(d) Are Government prepared to draw the attention of the Cantonment Authority, Mardan, to the provisions of section 289 and direct them to reduce the fee proposed to be charged for inspection and giving copies ?

Mr. G. M. Young : (a) Government have seen the article.

(b) to (d). Government have called for a copy of the by-laws and will examine them on receipt.

DOCTORS APPOINTED IN CHARGE OF CANTONMENT HOSPITALS.

672. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that under the present system, Government depute a Military Sub-Assistant Surgeon to hold charge of a hospital maintained by a Cantonment Board ?

(b) Are Government aware of the constant changes of the Sub-Assistant Surgeon due to transfers ?

(c) Is it a fact that the pay given to the Military Sub-Assistant Surgeon deputed by Government is sufficient to secure the services of an Assistant Surgeon, provided the Cantonment Board is authorised to make the appointment ?

Mr. G. M. Young : (a) Yes.

(b) and (c). Government recently received a representation on the subject from the All-India Cantonments Association and have issued instructions to local military authorities to consult Cantonment Authorities

more freely in the matter of the selection, tenure, and removal of Sub-Assistant Surgeons in Cantonment hospitals.

DOCTORS APPOINTED IN CHARGE OF CANTONMENT HOSPITALS.

673. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that the Cantonment Board of Lucknow proposed to have its own doctor in charge of its hospital but this proposal was not carried, owing to the opposition of the official members, on the basis of a certain circular issued by the Government of India that the hospitals maintained by Cantonment Boards should as far as possible be controlled by military medical staff ?

(b) Will Government lay on the table a copy of this circular and state the reasons for issuing the same ?

(c) Are Government aware that there is a great disappointment among the people of the Cantonment of Lucknow at the inability of the Board to appoint its own doctor in charge of the Cantonment General Hospital ?

(d) Are Government prepared to withdraw any restriction that they may have imposed upon the freedom of the Cantonment Authority to make its own arrangement for running its own hospital ?

Mr. G. M. Young : (a) Government have no information.

(b) No, Sir.

(c) and (d). The Honourable Member is referred to the answer which I have just given to the preceding question.

FEES CHARGED FROM HAWKERS AT FAIRS IN CAWNPORE CANTONMENT.

674. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Is it a fact that the Cantonment Authority, Cawnpore, has recently ordered that a fee of annas eight per day shall be charged from every hawkler on the occasion of a fair ?

(b) Is it a fact that in a Hindu fair, named *Guriyon ka Mela* held on the 19th August, 1931, in the Cawnpore Cantonment a fee of annas eight was charged from every petty hawkler ?

(c) Will Government be pleased to state under what rules this fee is being charged in the Cantonment of Cawnpore and, if the charging of such a fee be irregular, are Government prepared to consider the desirability of doing away with it ?

Mr. G. M. Young : (a) and (b). Government have no information.

(c) Such fees are leviable by means of by-laws framed under section 282 (d3) of the Act. The latter part of this question does not arise.

DRAINAGE AND WATER SUPPLY SCHEME REQUIRED FOR CAWNPORE CANTONMENT.

675. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Will Government be pleased to state if any drainage and water supply scheme is under contemplation in the Cawnpore Cantonment ?

(b) Are Government aware that the bazar area of the Cawnpore Cantonment is in an insanitary state for want of a regular drainage ?

(c) If no such proposal is under contemplation, are Government prepared to direct the Cantonment Authority, Cawnpore, to pay their attention to the above scheme in the interests of public health ?

Mr. G. M. Young : (a) Yes.

(b) No, Sir.

(c) Does not arise.

POLICE ACTION AGAINST TWO INDIANS IN TANGANYIKA.

676. *Mr. Gaya Prasad Singh : (a) Has the attention of Government been drawn to a report published in the *Tanganyika Opinion*, dated the 27th July, 1931, in which it is stated that as a result of a simple quarrel between two Indians, a native Askari policeman arrested without warrant four Indians, under orders of the Labour Officer, Muhesa, beat them hard, tied their hands with ropes, and threw them into the native police lock-up, rejecting the surety offered by the accused ; and next morning they were paraded hand-cuffed through the most trafficking part of the locality ?

(b) What are the facts of the case and who is there to look after the interests of the Indians in such matters ?

(c) Do Government propose to take any action in the matter ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) and (b). Government have no information beyond what is contained in the article referred to by the Honourable Member. It is stated in this article that the Tanga Indian Association has approached the local authorities.

(b) and (c). If the Honourable Member wishes to know whether the Government of India have an Agent in East Africa, the answer is in the negative, and no action is at present contemplated.

GRANT OF SENIOR COMMISSIONS TO OFFICERS OF THE INDIAN TERRITORIAL FORCE AND THE UNIVERSITY TRAINING CORPS.

677. *Mr. Nabakumar Sing Dudhoria : Will Government be pleased to state :

(a) whether the officers of the Army in India Reserve of Officers who have had some previous service in the Indian Territorial Force either as officers or as N. C. Os. are getting any advantage of their previous service ;

(b) whether the A. I. R. O. Officers are senior to senior officers of the Indian Territorial Force of the same rank ;

(c) whether it is a fact that officers of the Indian Territorial Force who are getting senior commissions in the I. T. F. are getting the advantage of their past services in the I. T. F. ;

(d) whether it is a fact that the recruitment in the I. T. F. in Bengal in the U. T. C. is delayed owing to the C. I. D. carrying out their inquiries ;

(e) whether they are aware of the fact that in the U. T. C. in Bengal the granting of the senior commissions to officers of the unit has been delayed too long ; and

- (f)* whether they are aware also of the fact that in consequence of such delay there has been lack of enthusiasm in the unit both among officers as well as among cadets ?

Mr. G. M. Young : (a) Not yet, Sir, but it has recently been decided that those who hold King's Commissions in the Territorial Force will be allowed to count such service for the purposes of seniority and promotion in the Army in India Reserve of Officers.

Service as a non-commissioned officer in the Territorial Force is not permitted to count towards promotion in the Reserve.

(b) No, Sir. Officers of the Reserve and senior officers of the Territorial Force of the same rank determine their relative seniority by the date of their appointment to that rank.

(c) Yes. Half the service in the rank of Subadar and a quarter of the service in the rank of Jemadar count towards seniority and promotion. This is subject to a maximum of three years.

(d) Recruitment to the Indian Territorial Force and to the Calcutta unit of the University Training Corps in Bengal is not progressing as it should ; but this is due to the lack of satisfactory recruits.

(e) and (f). The answer is in the negative.

EMPLOYMENT OF STUDENTS OF THE BENARES ENGINEERING COLLEGE AS UNPAID APPRENTICES IN THE LUCKNOW RAILWAY WORKSHOP.

678. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

- (a) whether it is a fact that two diploma students of Benares Engineering College were accepted for practical training as *unpaid* apprentices in the Lucknow Railway Workshop on payment of a premium in 1930 ;
- (b) if the answer is in the affirmative, the reason or reasons for which such premium was accepted from those students ;
- (c) whether in consideration of the premium paid the workshop management has been pleased to give some sort of guarantee to the students for service after they take their diploma ; and
- (d) whether or not it is a fact that the lands on which the Railway workshop in Lucknow stands was acquired by the Indian taxpayers' money ?

Mr. A. A. L. Parsons : I have called for certain information and will communicate with the Honourable Member on its receipt.

ALLEGATIONS AGAINST THE SUPERINTENDENT OF POST OFFICES, LOWER SIND AND PERSIAN GULF DIVISION.

679. ***Seth Haji Abdoola Haroon :** (a) Has the attention of Government been drawn to the articles which have appeared in the *Muslim Outlook* of Lahore in its issue, dated the 26th June, 1931, *Alwahid* of Karachi, dated the 8th June, 1931, *Hamdard* of Hyderabad, Sind, dated the 8th June, 1931, and *Unity* of Karachi, dated the 4th July, 1931, 11th July, 1931, and 1st August, 1931, alleging mal-administration and favouritism,

etc., against the present Superintendent of Post Offices, Lower Sind and Persian Gulf Division ?

(b) If the reply to the above be in the affirmative, will Government please state the action they have taken in the matter ?

(c) Has any inquiry been ordered into the allegations ; if so, what has been the result of such an inquiry ?

(d) Do Government propose to remove the Superintendent from his present appointment, and transfer him out of the Sind and Baluchistan Circle ?

(e) If the reply to part (d) above be in the negative, will Government be pleased to state reasons for it ?

Sir Hubert Sams : (a) to (e). Government have not seen the articles referred to, but officers who have a grievance in such matters should submit their appeals in accordance with the rules. Government do not propose to take any action.

NUMBER OF MUSLIMS EMPLOYED IN THE LOWER SIND AND PERSIAN GULF POSTAL DIVISION.

680. ***Seth Haji Abdoola Haroon :** Will Government please place the following information on the table :—

- (a) the total number of the clerical staff employed in the Lower Sind and Persian Gulf Division ;
- (b) the number of the Muslim, and non-Muslim clerks working in the said Division ;
- (c) the total number of postmen and packers in the Lower Sind and Persian Gulf Division ; and
- (d) the total number of Muslims in the above cadre ?

Sir Hubert Sams : I propose with your permission, Sir, to reply together to questions Nos. 680 to 685, 693, 696, 700 to 702 and 707 to 709.

The information will be collected and will be sent to the Honourable Member when received.

MUSLIM CLERKS AND SUB-POSTMASTERS EMPLOYED ON THE MEKLAN COAST AND THE PERSIAN GULF.

†681. ***Seth Haji Abdoola Haroon :** (a) Will Government please state the total number of the Muslim officials, who were working in the Persian Gulf and on the Mekran Coast as clerks and Sub-Postmasters, etc., in the year 1926 ?

(b) What is the number of Muslim officials working there now ?

(c) Have any Muslim officials been removed from the Gulf and the Mekran Coast in the time of the present Superintendent ? If so, on what grounds ?

†For answer to this question, see answer to question No. 680.

EMPLOYMENT OF MUSLIMS IN THE LOWER SIND AND PERSIAN GULF POSTAL DIVISION.

†682. *Seth Haji Abdoola Haroon : (a) Will Government please state whether it is a fact that there are about 45 lucrative appointments, carrying late fees, etc., in the Division of the Superintendent of Post Offices, Lower Sind and Persian Gulf Division ?

(b) Is it a fact that out of these 45 appointments none has been given to Muslim officials ?

(c) Is it a fact that those Muslim officials, who have been given independent charges of such lucrative appointments have been posted in the hottest and the most sandy part of the Sind desert ?

NUMBER OF SAHITI HINDUS AND MUSLIMS EMPLOYED IN THE LOWER SIND AND PERSIAN GULF POSTAL DIVISION.

†683. *Seth Haji Abdoola Haroon : Will Government please state :

(a) the number of the posts that fell vacant in the time of the present Superintendent of the Lower Sind and Persian Gulf Division and the number of the officials appointed to them by the Superintendent ; and

(b) the number of Sahiti Hindus entertained and the number of the Muslims that were recruited ?

NON-APPOINTMENT OF MUSLIMS TO THE RAILWAY MAIL SERVICE IN THE SIND AND BALUCHISTAN CIRCLE.

†684. *Seth Haji Abdoola Haroon : (a) Is it a fact that there are 9 record and sub-record offices of the Railway Mail Service in the Sind and Baluchistan Circle ?

(b) Is it also a fact that out of these 9 posts of Record Clerks in the R. M. S., only one is held by a Muslim and the rest by the Hindus ?

(c) Are there any Muslim officials of the R. M. S. who are eligible for the said appointments ?

(d) If the reply to part (c) above be in the affirmative, will Government please state the reasons on account of which Muslims have been debarred from holding these appointments ?

MUSLIMS EMPLOYED IN THE RAILWAY MAIL SERVICE, SIND AND BALUCHISTAN CIRCLE.

†685. *Seth Haji Abdoola Haroon : Will the Government please give the following information :—

(a) the total number of the staff employed in the Sind and Baluchistan Circle, Railway Mail Service, as sorters, (b) selection grade officers and (c) officers of the higher selection grade ? How many of each are Muslims ?

†For answer to this question, see answer to question No. 680.

NON-GRANT OF A HOLIDAY FOR THE RAMZAN ID AT THE KARACHI GENERAL POST OFFICE.

686. *Seth Haji Abdoola Haroon : (a) Is it a fact that the Muslim officials of the Karachi General Post Office and its Town Sub offices were not granted a holiday on the occasion of *Ramzan Id* ?

(b) Is it a fact that the Muslim officials had informed the Postmaster Karachi, that the celebration of the *Id* festival depends on the visibility of the moon, and that they had requested him to order the closing of the office accordingly ?

(c) Is it a fact that the Muslim officials had represented their grievance in this connection to the Director-General of Posts and Telegraphs ?

(d) If the reply to parts (a), (b) and (c) above be in the affirmative will Government please state the reasons why no arrangements were made beforehand to close the Post Office, when the Circle office itself and all other Government offices were closed ?

(e) Did the Postmaster, Karachi, take any action on the application of the Muslims as stated in part (b) ? If not, why not ?

(f) What action was taken by the Director-General of Posts and Telegraphs on the representation made to him ?

(g) What steps have Government taken, or propose to take in order to avoid repetition of such incidents ?

Mr. J. A. Shillidy : (a) No. The holiday was notified for the 20th February, 1931, and given on that date.

(b) Yes.

(c) Yes.

(d) The Muslim clerks informed the Postmaster, Karachi, on the morning of the 19th February, 1931, that the moon was visible the previous evening. The Postmaster could take no action to close the office then as business had commenced, and he had no time to notify the public and the town sub-offices.

The Muslim clerks were given sufficient leisure during the day for their prayers.

(e) No, for the reasons given in reply to part (d) of this question.

(f) None, as the telegram was received from the Muslim staff of the Karachi post office on the 19th February, 1931, too late to allow of any action in connection with a holiday.

(g) The Honourable Member will see from the information given that the failure to allow the day in question as a holiday was entirely inadvertent and there is no reason to suppose the same mistake will be made again.

Mr. K. Ahmed : In view of the fact that only in that part of the country the authorities were not able to exercise their common sense, do Government propose to take steps to stop this irregularity in future ?

Mr. J. A. Shillidy : I have already stated that the mistake was due to inadvertence and there is no reason to suppose that the mistake will be made again.

HOURS OF WORK OF MUSLIM CLERKS IN THE KARACHI GENERAL POST OFFICE.

687. ***Seth Haji Abdoola Haroon** : (a) Is it a fact that the majority of the Muslim officials of the clerical cadre of the Karachi General Post Office are performing split duties in the sorting and delivery branches ?

(b) Will Government please state the number of hours which an official has to perform duty, under split duty system during one working day ?

Sir Hubert Sams : (a) Government have not the information.

(b) Ordinarily seven in the Karachi General Post Office.

RECRUITMENT OF MUSLIMS IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

688. ***Seth Haji Abdoola Haroon** : (a) Will Government please state if it is a fact that the Superintendent of Post Offices and the Postmaster, Quetta, are both Hindus, and brothers ?

(b) Has the attention of Government been drawn to various articles published in the *Postal Advocate*, Delhi, in which grave complaints regarding the recruitment, etc., of the Muslims, in the Baluchistan Division have been made ?

(c) Will Government please state if any orders were passed by Mr. George Burlingham, in his tenure of office as Director of Posts and Telegraphs, Sind and Baluchistan Circle, regarding the recruitment of the Muslims in the Baluchistan Division ?

(d) Do the orders mentioned in part (c) still hold good, if not, why not ?

(e) Is it a fact that the Superintendent did not carry out the orders of the Director ? If so, do Government propose to take any action against the Superintendent and do Government propose to renew the said orders ?

(f) Will Government please state the steps they propose to take for obtaining due share for the Muslims in the Baluchistan Division ?

Mr. J. A. Shillidy : (a) and (b). Yes.

(c), (d), (e) and (f). Government have no information, but an inquiry will be made.

ARTICLE IN THE "POSTAL ADVOCATE", DELHI.

689. ***Seth Haji Abdoola Haroon** : (a) Has the attention of Government been drawn to an article in the *Postal Advocate*, Delhi, dated the 1st August, 1931, under the heading "A cry of distress" ?

(b) If the reply to the above be in the affirmative, will Government please state, if an inquiry into the allegations has been made and with what results ?

(c) If the reply to part (b) above be in the negative, will Government please state the reasons why no inquiry has been ordered and do they intend to make inquiries now ?

Sir Hubert Sams : (a) Yes.

(b) and (c). Government did not order and do not propose to order an inquiry. The matter is within the competence of the Head of the

Circle, and, if any official has a grievance, it is open to him to represent it through the proper channel under the rules.

RECRUITMENT OF STAFF IN THE QUETTA HEAD POST OFFICE AND THE BALUCHISTAN DIVISION.

690. ***Seth Haji Abdoola Haroon** : (a) Will Government please state if there are any orders of the Director-General of Posts and Telegraphs, that recruitment to the Postal Department should be effected from the Revenue Division ?

(b) Are Government aware that Paharis and Garhwalis are being recruited in large numbers in the inferior staff in the Quetta Head Post Office and the Baluchistan Division ?

(c) If the reply to part (b) is in the affirmative, will Government please state why the orders of the Director-General of Posts and Telegraphs, have been allowed to be set aside ?

(d) Who is responsible for not carrying out the orders of Director-General and what action do Government propose to take ?

Sir Hubert Sams : (a) Yes, but the orders are applicable only to the clerical cadre.

(b), (c) and (d). Do not arise.

RECRUITMENT OF MUSLIMS IN THE BENGAL AND ASSAM POSTAL CIRCLE.

691. ***Seth Haji Abdoola Haroon** : Will Government be pleased to state if, on the strength of rule 3 of the rules published in Director-General's special General Circular No. 16, dated 18th August, 1930, any junior time-scale clerk of the Muslim community was nominated to appear at the lowest selection grade examination held in 1930 in Bengal and Assam Circle ? If not, why not ?

Sir Hubert Sams : The reply to the first part is in the affirmative. The second part does not arise.

CONCESSION GRANTED TO MUSLIMS DURING THE RAMZAN.

692. ***Seth Haji Abdoola Haroon** : Are Government prepared to reinforce the concession granted to Muslims in respect of leaving the office at 16 hours during the month of *Ramzan*, by renewing their instructions in this behalf ?

Sir Hubert Sams : The Honourable Member presumably refers to Postal officials. The question will be examined.

APPOINTMENT AND LEAVE CASES DEALT WITH BY HINDU CLERKS IN CERTAIN POST OFFICES.

†693. ***Seth Haji Abdoola Haroon** : Will Government be pleased to state whether any Muslim clerk is dealing with the appointment and leave cases in the following Post Offices :—Delhi, Lahore, Amritsar, Simla, Rawalpindi and Peshawar ? If so, will Government state their names and the period for which they have held the charge ?

† For answer to this question, see answer to question No. 680.

CLERKS DEALING WITH APPOINTMENT AND LEAVE CASES IN THE POSTAL DEPARTMENT.

694. ***Seth Haji Abdoola Haroon :** Are Government prepared to consider the desirability of ordering that posts of clerks dealing with appointment and leave cases should be held in rotation by the Muslims and Hindu clerks for three years each and further that these posts should be held by Muslims for the next three years ?

Mr. J. A. Shillidy : Postings are not made on communal grounds, and Government cannot undertake to issue the orders suggested by the Honourable Member.

†695.

CLERKS APPOINTED BY MR. RAI IN THE ALIGARH POSTAL DIVISION.

†696. ***Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state the total number of candidate clerks entertained in the Aligarh Postal Division during the time Mr. D. Rai held charge of the Division ?

(b) Will Government be pleased to state separately the number of (i) Muslim and (ii) non-Muslim candidate clerks entertained during the time of Mr. D. Rai, Superintendent of Post Offices, Aligarh Division ?

APPOINTMENT OF TWO BROTHERS AS HEAD CLERKS IN THE DELHI GENERAL POST OFFICE.

697. ***Seth Haji Abdoola Haroon :** (a) Is it a fact that according to certain orders two or more near relatives should not be posted in one and the same post office ?

(b) If so, is it a fact that Messrs. Hiralal and Pannalal, two real brothers have been working side by side for several years as Head Clerks, Mail and Delivery in the Delhi General Post Office ?

(c) Is it a fact that the officials named in part (b) above, are working as Head Clerks superseding many of their seniors who are working as clerks in the same office ?

Sir Hubert Sams : (a) The rule is that it is desirable that members of the same family should not be transferred to the same office.

(b) and (c). Government have no information. If any official has a grievance, it is open to him to represent it through the proper official channel.

APPOINTMENT OF POSTMEN IN THE DELHI GENERAL POST OFFICE.

698. ***Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state separately the number of approved candidates for postmanship and inferior service in the Delhi General Post Office and how many of them are (a) Muslims and (b) Hindus ?

(b) Is it a fact that from the date a Muslim Town Inspector was sent by the Postmaster-General to Delhi efforts were made by (i) Hindu Assistant Postmaster, Delivery, (ii) Hindu Accountant, (iii) Hindu Head

†This question was withdrawn by the questioner.

†For answer to this question, see answer to question No. 680.

Clerk, Delivery and (iv) Hindu Head Clerk of the office to deprive him of the appointment powers ?

(c) Is it a fact that the new Postmaster, Delhi, has entrusted these duties to the Town Inspector ?

Sir Hubert Sams : (a), (b) and (c). Government have no information. A copy of the question is being sent to the Postmaster-General, Punjab and North West Frontier Province.

APPOINTMENT OF TEMPORARY POSTAL CLERKS AT DELHI AND SIMLA.

699. ***Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state the number of temporary and season postal clerks sanctioned every year for (i) Delhi, and (ii) Simla ?

(b) Is it a fact that the rules about entertainment in Government services apply equally to all appointments whether permanent or temporary or seasonal ?

(c) Is it a fact that Muslims do not get their due share in these appointments in Delhi and Simla ?

(d) Do Government propose to order that Muslims are given their due share to prevent preponderance of the members of any one community ?

Mr. J. A. Shillidy : (a) Government do not possess the information and do not propose to call for it in view of the reply to (b) following.

(b) No, only to permanent vacancies.

(c) and (d). Do not arise.

SUPERINTENDENTS AND POSTMASTERS IN THE SIND AND BALUCHISTAN POSTAL CIRCLE.

† 700. ***Seth Haji Abdoola Haroon :** (a) Will Government please state how many Superintendents and First Class Postmasters, including non-gazetted Postmasters there are in the Sind and Baluchistan Postal Circle

(b) How many of these officers are Hindus ?

(c) How many of them are Muslims ?

NUMBER OF MUSLIM CLERKS AND HEAD CLERKS IN CERTAIN POSTAL DIVISIONS.

† 701. ***Seth Haji Abdoola Haroon :** Will Government please furnish the following information :—(a) the total number of clerks and head clerks employed in the office of the Superintendent of Post Offices, Baluchistan Division, (b) Superintendent of Post Offices, Upper Sind Division, (c) Superintendent of Post Offices, Lower Sind and Persian Gulf Division, (d) Office of the Superintendent, R. M. S., Karachi, and (e) the number of the Muslim clerks and head clerks in each office ?

†For answer to this question, see answer to question No. 680.

NON-TRANSFER OF HEAD CLERKS AND APPOINTMENT CLERKS FROM CERTAIN POSTAL OFFICES.

†702. ***Seth Haji Abdoola Haroon** : (a) Is it a fact that many Head Clerks and appointment clerks in the head post offices and offices of the Superintendents have been holding their present appointments for more than three years ?

(b) If the reply to the above be in the affirmative, will Government please place on the table a list showing the number of such officials in respect of each office ?

(c) Are there any departmental rules which lay down that no head clerk to the Superintendent or Inspector of Post Offices should hold charge of an appointment for more than three years ?

(d) Do the Head Clerks, Correspondence, and the Accountant of the Karachi General Post Office come under the category of these officials, mentioned in part (c) ?

(e) If the reply to part (c) above be in the affirmative, will Government please lay on the table the reasons for not enforcing the said rules ?

(f) Do Government propose to transfer such officials from their present posts now ? If not, why not ?

DEATH OF MR. MOHAMMAD IBRAHIM, A CLERK IN THE DELHI POST OFFICE.

703. ***Seth Haji Abdoola Haroon** : (a) Has the attention of Government been drawn to an article entitled "Heart-rending Tragedy" published in the May 1931 issue of the *Postal Advocate* of Delhi ?

(b) Have Government inquired into the circumstances in which Mr. Mohammad Ibrahim, clerk, Delhi Post Office, met his death ?

(c) What action, if any, has been taken by Government against the officer or officers responsible for refusing leave on Sunday to Mr. Mohammad Ibrahim ?

(d) Will Government be pleased to state whether a compassionate pension has been granted to the widow of Mr. Mohammad Ibrahim who died in harness after putting in long service ?

Sir Hubert Sams : (a) Yes.

(b), (c) and (d). The matter is being looked into.

REPRESENTATION OF MUSLIMS IN THE POSTAL AND RAILWAY MAIL SERVICE.

704. ***Seth Haji Abdoola Haroon** : (a) Has the attention of Government been drawn to the figures of communal composition published on pages 4 and 7 of the *Postal Advocate*, Delhi, May 1931 issue ?

(b) Will Government be pleased to state whether the figures stated are correct and, if not, will Government be pleased to state the correct figures ?

(c) Are Government prepared to take such measures as may give the Muslims their due share in the Postal and R. M. S. Departments in all cadres ?

¹For answer to this question, see answer to question No. 680.

Mr. J. A. Shillidy : (a) Yes.

(b) Government have no information whether the figures are correct.

(c) Orders to prevent the undue preponderance of any one community are already in force.

NUMBER OF MUSLIM CLERKS, ETC., IN CERTAIN POSTAL CIRCLES.

705. *Seth Haji Abdoola Haroon : (a) Will Government be pleased to state separately the total number of Muslim and non-Muslim (1) officials in selection grades, (2) clerks, (3) R. M. S. sorters, (4) postmen and (5) inferior servants employed on the 31st March, 1931, in the following Postal Circles and post offices :

(i) Bengal and Assam Circle, (ii) Sind and Baluchistan Circle, (iii) Madras Circle, (iv) Bombay Circle, (v) Central Circle, (vi) Punjab and North-West Frontier Circle, (vii) United Provinces Circle, (viii) Behar and Orissa Circle and in the General Post Offices of Bombay, Madras, Calcutta, Karachi, Delhi, Lahore, Nagpur, Lucknow and Patna ?

(b) Will Government be pleased to state separately the total number of approved candidates entertained during the year 1929-30 and 1930-31 for the cadres and circles and offices referred to in part (a) above ?

(c) Is it a fact that the remedial measures adopted by Government have been ignored by the officers empowered to recruit ?

Sir Hubert Sams : (a) and (b). Inquiry is being made and the result will be communicated to the Honourable Member separately.

(c) No.

EMPLOYMENT OF MUSLIMS IN THE POSTAL DEPARTMENT.

706. *Seth Haji Abdoola Haroon : (a) Are Government aware that the orders issued in the Home Department Memorandum No. F 212-30-Ests., dated 22nd March, 1930, about increased employment of Muslims are not followed in the Postal Department ?

(b) Is it a fact that Muslims, Sikhs, and other minority communities are taken together to distribute the third vacancies referred to in Government of India Memorandum No. F. 17625-Ests., dated 5th February, 1926 ?

(c) Do Government propose to order strict enforcement of the instructions contained in their Memorandum, dated the 22nd March, 1930, referred to in part (a) above ?

Mr. J. A. Shillidy : (a) No.

(b) The fact is not as stated. In the Post Office third vacancies are filled from all minority communities, but chiefly from Muslims.

(c) Government see no reason to issue any further orders as they are satisfied that the orders referred to are being observed by the Post Office.

CORRESPONDENCE STAFF IN THE DELHI GENERAL POST OFFICE.

†707. ***Seth Haji Abdoola Haroon** : Will Government be pleased to state whether the following communal composition of the correspondence staff in the Delhi General Post Office is correct and, if not, will Government be pleased to furnish their figures as they stood on the 1st September, 1931 ?—

		<i>Hindus.</i>	<i>Muslims.</i>
(1) Head Clerk, correspondence	..	1	..
(2) Assistant correspondence clerk	..	1	..
(3) Money order correspondence clerks	..	2	..
(4) Parcel registration correspondence clerks		2	..
(5) V. P. and V. P. claims correspondence clerks	.. ..	3	..

APPOINTMENTS IN THE DELHI GENERAL POST OFFICE.

†708. ***Seth Haji Abdoola Haroon** : Will Government be pleased to state whether the following appointments were held as stated below in the Delhi General Post Office on 1st September, 1931 ?

<i>Appointment.</i>		<i>Hindus.</i>	<i>Muslims.</i>
(1) Accountant	.. ..	1	..
(2) Assistant Accountant	.. ..	1	..
(3) Head clerks	.. ..	6	..
(4) Assistant Postmasters	.. ..	3	..

APPOINTMENT OF MUSLIMS IN THE DELHI GENERAL POST OFFICE.

†709. ***Seth Haji Abdoola Haroon** : (a) Is it a fact that there are altogether 3 selection grade and 20 time-scale Sub-Postmasters under the Delhi General Post Office ?

(b) Is it a fact that all the three posts of selection grade under Delhi General Post Office are held by Hindus and out of the twenty time-scale Sub-Postmasterships only five are held by Muslims and 15 by non-Muslims ?

(c) If so, are Government prepared to grant due representation to the Muslims ?

NON-REPRESENTATION OF THE PEOPLE OF CANTONMENTS AT THE ROUND TABLE CONFERENCE.

710. ***Khan Bahadur Haji Wajihuddin** : (a) Is it a fact that on the Round Table Conference there are no representatives of the people of the cantonments ?

(b) Is it a fact that the attention of Government has been drawn in the matter to get a chance of nomination to the resumed Round Table Conference ?

(c) Is it a fact that assurance was given by Government that the matter would receive careful consideration ?

†For answer to this question, see answer to question No. 680.

(d) Did Government actually recommend any of the cantonment residents to the Round Table Conference ? If not, why not ?

(e) With a view to remove the deficiency and to consider the due demands for constitutional advance in cantonment administration what arrangements do Government propose to make now ? If not, why ?

The Honourable Sir George Rainy : (a) to (e). I would invite a reference to the reply which I gave on the 26th January, 1931, to Mr. Bhuput Sing's unstarred question No. 18.

ABOLITION OF PLURAL MEMBER CONSTITUENCIES FOR CANTONMENT BOARDS.

711. ***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that under the rules framed by Provincial Governments for Cantonment Board elections more than one member is returned from one ward in most cantonments ?

(b) Are Government aware that the constitution of these plural member wards is such that all the seats allotted to that ward are captured by the majority party of that ward though in a particular section of that ward that minority is in absolute majority ?

(c) Is it a fact that the tendency of all the reformed constitutional administrations is to do away with plural member constituency and to substitute single member constituency in its place ?

(d) Are Government prepared to issue instructions to Provincial Governments that for a better representation of all classes in Cantonment Boards plural member constituencies be abolished and single member constituencies be substituted ?

Mr. G. M. Young : (a) to (c). Government have no information.

(d) The matter is within the discretion of Local Governments.

APPOINTMENT OF ADVISORY BOARDS IN CANTONMENTS.

712. ***Khan Bahadur Haji Wajihuddin :** (a) Is it a fact that in small cantonments the system of administration is what is known as " Corporation Sole " ?

(b) Is it a fact that under this system the Officer Commanding the Station is the Cantonment Authority and conducts the Cantonment Administration without having the advantage of being advised by the people as to their views on various problems of cantonment administration and their desires about the same ?

(c) Did the All-India Cantonments Association suggest to Government the desirability of appointing Advisory Boards in such cantonments ?

(d) Is it a fact that the Army Secretary endorsed the desirability of the proposal in an interview with the deputation of the Association that met him in June 1929 ?

(e) Are Government aware that in spite of this such an advisory committee has not been formed in any cantonment having a " Corporation Sole " administration ?

(f) Will Government be pleased to state what are the reasons for not carrying out the above suggestions ?

(g) In case Government are not prepared to consider the present suggestion, do they propose to abolish " Corporation Soles " ?

Mr. G. M. Young : (a) Yes.

(b) Yes, but in 1929 the local military authorities were asked to consider the advisability of consulting one or two representatives of the civil population in matters affecting their civil interests in such cantonments.

(c) and (d). No, Sir. The Honourable Member is referred to my reply to unstarred question No. 98 asked by Rai Bahadur Panna Lal on the 14th July, 1930. There was no question of appointing Advisory Boards or Committees.

(e) and (f). Do not arise.

(g) The answer is in the negative.

ISSUE OF A DISTRESS WARRANT AGAINST BISHAMBHAR DASS IN NOWSHERA CANTONMENT.

713. *Khan Bahadur Haji Wajihuddin : (a) Are Government aware that the Cantonment Authority, Nowshera Cantonment, issued a distress warrant against L. Bishambhar Dass, for the alleged failure to pay the tax due from him on due date ?

(b) Is it a fact that Lala Bishambhar Dass requested the Executive Officer to furnish him with a detailed account as to how he arrived at the amount said to be payable by him ?

(c) Is it a fact that without furnishing such a statement of account the Executive Officer issued a distress warrant and subsequently forced entry into the house of L. Bishambhar Dass and attached articles in execution of the distress warrant ?

(d) Is it a fact that this entry was made under section 245 of the Cantonments Act ? Does that section come under the chapter ' Inspection ' and empower the Executive Officer or duly authorised agent of the Cantonment Authority to enter into a dwelling house only in connection with the matter pertaining to conservancy and sanitation ?

(e) If so, do Government propose to take suitable action against the Executive Officer and prevent him from forcibly entering into houses for the execution of distress warrants so in future ?

Mr. G. M. Young : The facts have been called for, and will be communicated to the Honourable Member on receipt.

TAXATION IN CANTONMENTS.

714. *Khan Bahadur Haji Wajihuddin : (a) Is it a fact that some of the Commands have issued circulars to certain Cantonment Boards to submit proposals for increase in taxation threatening that in case of their not doing so the said Command will take action under sections 49 and 50 of the Cantonments Act ?

(b) Are Government aware that the taxation in those cantonments is already in excess of that prevailing in the neighbouring city municipalities ?

(c) Is it a fact that a fair portion of the revenue of the Cantonment Authorities concerned have been appropriated by Government in the shape

of one-fourth share of the income derived from leased land and receipts from A Class area ?

(d) Are Government prepared to remit this one-fourth share of the income of the leased land to enable the Cantonment Boards of India to balance their budgets without making any increase in the existing taxation ?

Mr. G. M. Young : (a) and (b). Government have no information, but are making inquiries.

(c) The position is that, in addition to their ordinary cantonment revenues, Cantonment Authorities have the management of certain Government lands, and are allowed to retain $\frac{3}{4}$ ths of the receipts from such lands. "A" class lands are not entrusted to Cantonment Authorities.

(d) No, Sir. But Government make grants-in-aid where necessary, to Cantonment Authorities, to enable them to balance their budgets.

STANDARD PLANS FOR HOUSES IN CAWNPORE CANTONMENT.

715. *Khan Bahadur Haji Wajihuddin : (a) Is it a fact that orders have recently been issued that all bungalows to be built in Cawnpore Cantonment must conform to the standard plans prepared by Government and deposited in the office of the Cantonment Authority for public inspection ?

(b) Is it a fact that the above orders contemplate that any plan of building not conforming in any detail to the standard plan is to be rejected by the Cantonment Authority ?

(c) Are Government aware that the standard plans in question involve considerable cost ?

(d) Is it a fact that section 181 (c) of the Cantonments Act II of 1924 under which the order has been issued does not give the power to dictate a certain type of plan and design of bungalows but gives the power only to restrict the erection of buildings in places where there is great congestion in the interests of public health ?

(e) Are Government aware that the house owners of the Cawnpore Cantonment consider the said order a serious interference with the rights of house owners to re-erect buildings according to a plan and design that suits their pockets ?

(f) Are Government prepared to direct the rescinding of the above order ?

Mr. G. M. Young : I have called for the information and will communicate with the Honourable Member on its receipt.

RECRUITMENT FOR THE POSTAL SERVICE IN THE MADRAS PRESIDENCY.

716. *Bhai Parma Nand : (a) Do there exist any recognised restrictions on the basis of communal or local differences in the matter of recruitment for Postal Service in the Madras Presidency ?

(b) Is it a fact that Mr. Venkatesa Aiyangar, who has served the Postal Department for over 30 years, and is at present working as Postmaster, Ramnad, tried for the employment of his son, who is a graduate

in the department and the Postmaster General, Madras, informed him in his letter No. A.X.-6, dated 15th September, 1930, that his son could not be entertained in any other division except Trichinopoly, in a village of which he was born ?

(c) Is it a fact that the Superintendent of Post Offices, Trichinopoly division, informed Mr. Aiyangar that his son could not be entertained by him because there was a preponderance of Brahmins in his division ?

(d) If the answers to parts (b) and (c) are in the affirmative, are Government prepared to reconsider the question of such restrictions ?

Sir Hubert Sams : Part (a) of the question is not clear. If, however the Honourable Member desires to know whether any special rules exist in the matter of recruitment in the Madras Presidency, the reply is in the negative.

(b), (c) and (d). The matter is within the competence of the Postmaster-General, Madras, to whom a copy of these parts of the question is being sent.

REPRESENTATION OF SIKHS IN THE OFFICE OF THE DIRECTOR GENERAL, INDIAN MEDICAL SERVICE.

717. ***Sirdar Harbans Singh Brar :** (a) Are Government aware that Sikhs have not been given proper representation in the clerical establishment of the Director-General, Indian Medical Service, for a considerable time ?

(b) Will Government please state the number of Sikhs employed in that office as compared with the total staff during the past 2 years ?

(c) What steps have Government taken to give proper representation to Sikhs in that office ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) No. A Sikh was employed in the office of the Director-General, Indian Medical Service, for the 13 years previous to January, 1931, when he died. Two Sikhs were employed in 1925-26 but they both left to join other offices.

(b) During the past two years one Sikh was employed in this office, the total strength of which is 43.

(c) Does not appear to arise.

Sirdar Harbans Singh Brar : May I know if after the death in January, 1931, of the only Sikh employed in the office of the Director-General, Indian Medical Service, that office recruited another Sikh in his place ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I have not got the information.

Mr. Gaya Prasad Singh : You had better ask the question, " Why did he die ? "

Sirdar Harbans Singh Brar : Will the Honourable Member consider the question of giving one place in that Department to a Sikh ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : If you will kindly tell me why ?

Sirdar Harbans Singh Brar : Because there is no Sikh in that office at present.

Mr. Gaya Prasad Singh : For communal considerations ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I thought during the past two years one Sikh was employed ?

Sirdar Harbans Singh Brar : There is none at present.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Quite sure ? Isn't it enough there was one ?

Sirdar Harbans Singh Brar : Quite sure.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Very well, I will look into it. (Laughter).

COMMUNAL INEQUALITIES IN THE STAFF OF ACCOUNTS AND AUDIT OFFICES IN THE UNITED PROVINCES.

718. *Kunwar Hajee Ismail Ali Khan : (a) Will Government be pleased to lay on the table a statement showing the strength of the clerical staff of the old Accountant General's office in the United Provinces as it stood on 1st April, 1926, and that of the Audit and Accounts Offices in the United Provinces as it stood on 1st July, 1926, and 1st July, 1931, showing the number and percentage of the Muslims and Indian Christians separately ?

(b) Did Government issue any instructions for the redress of communal inequalities in the above offices ?

(c) If the reply to part (b) is in the affirmative, will Government be pleased to state to what extent were these instructions put into effect ?

The Honourable Sir George Schuster : With your permission, Sir, I will deal with questions Nos. 718 and 720 together.

Enquiry is being made and a reply will be sent to the Honourable Member in due course.

SAFEGUARDING OF THE INTERESTS OF MINORITY COMMUNITIES IN APPOINTMENTS TO AUDIT AND ACCOUNTS OFFICES IN THE UNITED PROVINCES.

719. *Kunwar Hajee Ismail Ali Khan : (a) Is it a fact that it is proposed to revert to the old arrangement and re-amalgamate the two Audit and Accounts Offices in the United Provinces and to reduce the clerical staff thereby ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state if they have taken proper steps to safeguard the interest of the minority communities ? If not, why not ?

(c) If no such instructions have been issued do not Government apprehend that there will be again a preponderance of one community in the newly amalgamated office ?

The Honourable Sir George Schuster : (a) Yes.

(b) Yes.

(c) The question does not arise in view of the reply to (b).

SAFEGUARDING OF THE INTERESTS OF MINORITY COMMUNITIES IN APPOINTMENTS TO AUDIT AND ACCOUNTS OFFICES IN THE UNITED PROVINCES.

1720. *Kunwar Hajee Ismail Ali Khan : (a) Will Government please state the minimum educational qualifications required of a man who is confirmed in the clerical establishment of the Audit and Accounts Offices in the United Provinces ?

(b) Will Government kindly also state the number of the members of the minority communities recruited since April, 1926, to the clerical establishment of these offices and confirmed up to 1st July, 1931 ?

(c) Was any preference given to the members of the minority communities possessing the requisite qualification at the time of confirmation in accordance with the declared policy of Government ? If not, why not ?

(d) If the reply to part (c) above is in the negative, are Government prepared to issue proper instructions for the members of the minority communities to be given preferential treatment at the time of re-amalgamation of the Audit and Accounts Offices in the United Provinces ?

SAFEGUARDING OF THE INTERESTS OF MINORITY COMMUNITIES IN APPOINTMENTS TO AUDIT AND ACCOUNTS OFFICES IN THE UNITED PROVINCES.

721. *Kunwar Hajee Ismail Ali Khan : (a) Is it a fact that a Committee has been appointed by Government to effect the proposed amalgamation of the Audit and Accounts Offices in the United Provinces ?

(b) If the reply to the above is in the affirmative, have Government appointed any member of the minority community to the said Committee ?

(c) If not, what other steps have been taken by Government to safeguard the interest of the minority communities ?

(d) If any instructions have been issued in this connection, will Government be pleased to lay them on the table ?

The Honourable Sir George Schuster : (a) No ; an officer of the Finance Department has been instructed to work out the necessary details in consultation with the Local Government and the Director of Audit, United Provinces.

(b) The question does not arise.

(c) and (d). Instructions have been issued indicating the principles to be followed in effecting retrenchment of personnel generally, and due regard has been paid in these instructions to the question of safeguarding the interests of minority communities.

HALTING ALLOWANCE PAYABLE AT DELHI TO THE DEPUTY DIRECTOR FOR EXPLORATION.

722. *Kunwar Hajee Ismail Ali Khan : (a) Will Government kindly state if the Deputy Director for Exploration remains at Delhi during the major portion of the winter season "as on tour" and draws halting allowance for his entire stay there ?

(b) If the answer to the above is in the affirmative, will Government please state what is the justification for treating him "as on tour" at Delhi when he stays there practically under the same circumstances as the Director and the Deputy Director of Archaeology ?

(c) Is it a fact that the Exploration Deputy rented a Government bungalow at Delhi while he was there "on tour" last winter and had telephones installed at Government expense both at his residence and office ?

(d) Did Exploration Deputy carry out any excavation or conservation work at Delhi or had he to do anything beyond office work there ?

(e) If the answer to part (e) above is in the negative, will Government kindly state in what practical aspects does this so-called "tour" of the Exploration Deputy differ from the "move" of the Director and the Deputy Director of Archaeology ?

(f) Will Government kindly state why the Exploration Deputy was not treated as a "moving officer" instead of a "touring officer" for the purposes of his stay at Delhi last winter and whether they propose to treat him as a "moving officer" during the ensuing move and thus save a considerable amount of halting allowance paid to him last winter ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The length of stay at Delhi depends on the amount of work to be done there.

(b) The headquarters of the Deputy Director-General of Archaeology in India for Exploration are at Simla. He is required to go to Delhi to assist the Director-General of Archaeology in India in his administrative work connected with exploration and archaeological research. While at Delhi he also inspects the excavations at Bijai Mandal. He tours from Delhi to all sites in British India which are under excavation and where excavation is contemplated.

(c) The house occupied by the Deputy Director-General of Archaeology in India for Exploration last winter at Delhi was not a Government bungalow. The telephones were installed for reasons of administrative convenience.

(d) He inspected the excavations in progress at the Bijai Mandal between Delhi and the Kutab.

(e) Does not arise.

(f) The headquarters were fixed at Simla as in the case of other Exploration officers. The suggestion in the second part of the question will be considered.

Mr. B. Das : What is the necessity of having the headquarters of the Archaeological Department at Simla ? Are there any archaeological remains in Simla ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I suppose they must be fixed somewhere. Where would the Honourable Member like it to be fixed ?

Mr. B. Das : Why not at Delhi ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Would that mean any saving of office accommodation ?

Mr. B. Das : Yes, and also in salaries too. Delhi salary is much lower.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : I do not think it makes any difference in salaries of officers whether they are in Delhi or Simla.

Mr. Gaya Prasad Singh : Do they not get an allowance at Simla ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Is it officers or clerks ? Officers do not.

Mr. B. Das : What incentive do they get from the hills of Simla where there are no archæological remains ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Obviously in the interests of economy. There is office accommodation available, and the officers who are working at exploration during the summer do not do that work. That is the reason why I believe as a measure of economy, they are located here rather than elsewhere.

CURTAILMENT OF HOLIDAYS IN THE OFFICE OF THE SURVEY OF INDIA, MUSSOORIE.

723. *Kunwar Hajee Ismail Ali Khan : (a) Will Government kindly inform the Assembly the reason for abolishing the holiday of an important Muslim festival of *Shab-e-Burat* from the office of the Survey of India, Mussoorie ?

(b) Are Government aware that the office of the Survey of India is not observing now the holiday for more than one day on many important Hindu and Muslim festivals, like *Holi*, *Dasehra*, *Diwali*, *Muharram* and *Id-ul-Fitr*, etc., which were observed till last year for two to four days ?

(c) Will Government kindly state the reasons of this curtailment of important holidays ?

(d) Are Government prepared to issue a circular letter to the Survey of India for cancelling this curtailment of public holidays ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a), (b), (c) and (d). The number of holidays in the Survey of India is reported to have been cut down in conformity with the scale of holidays allowed in the Government of India Secretariat. I believe many of us in this House think that we in India have too many holidays and could do with less. (Laughter).

Kunwar Hajee Ismail Ali Khan : What about the *Shabrat*—an important festival for Mussalmans ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : What about it ?

APPOINTMENT OF MUSLIMS TO THE MILITARY ACCOUNTS DEPARTMENT.

724. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) With reference to the reply given by Government to

question No. 208, asked by me in the Legislative Assembly on the 17th February, 1931, will Government be pleased to state if it is a fact that :

- (i) The total strength of the establishment in the Military Accounts Department in India, as it stood on the 28th March, 1930, was as follows :—

Name of post.	Number of Muslims.	Number of non-Muslims.	Percentage of Muslims.
Clerks	316	3,404	8.5
Accountants ..	23	444	4.9
Deputy Assistant Controllers.	3	97	3

- (ii) Government of India, Home Department, issued instructions in their letter No. 176/25, dated the 5th February, 1926, regarding redressing communal inequalities in Government services;
- (iii) Military Finance Department issued instructions from time to time regarding recruitment to secure adequate representation of each community ;
- (iv) the Establishment Officer, Government of India, Army Department, issued circular letter No. 33346-1-(A.D.), dated the 19th November, 1926, to all Heads of Military Departments directing them to occasionally examine the communal composition of their respective offices and to give adequate representation to members of such communities as have been less represented ; and
- (v) in reply given to a question asked by Mr. A. H. Ghuznavi, M.L.A., in the Delhi Session of 1930, regarding the policy of Government in the matter of communal representation in Government services of minority communities, Mr. Parsons said on behalf of Government that the prevention of undue preponderance of any community in the services, the security of adequate representation of minority communities and the removal of the existing communal inequalities was the keystone of the Government policy to which effect was being given ?
- (b) If the answers to the above questions are in the affirmative, will Government be pleased to state :—
- (i) whether a preponderance of members of one community has been allowed to take place in the clerical and other establishment of that Department ;
- (ii) whether they are prepared to direct that recruitment by selection of temporary clerks should be confined to the members of the Muslim community in India till their number reaches one-third of the present total strength of clerks in the Department ;
- (iii) whether they propose to adopt special measures to reserve one-third appointments of the present total strength of the

Accountants and D. A. C. M. As. for such Muslim clerks and Accountants respectively as have already qualified themselves and are yet on the waiting list ; and

- (iv) whether highly qualified Muslims may not be enlisted as Accountant and D. A. C. M. As. probationers as is being done in other Accounts Departments, if the existing number of qualified Muslims happen to be inadequate in the Military Accounts Department ?

The Honourable Sir George Schuster : (a), (i). The strength of the establishment of the Military Accounts Department and the position of the Muslims and non-Muslims in the various grades in that Department as shown by the Honourable Member is correct, except that the number of non-Muslim Deputy Assistant Controllers of Military Accounts should be 87 and the percentage of Muslims to non-Muslim Deputy Assistant Controllers 3.33, and that the figures given represent the position on the 31st December, 1929, and not on the 28th March, 1930. The Honourable Member is referred in this connection to the answer given in this House on the 28th March, 1930, to question No. 850 asked by Mr. Abdul Latif Sahib Farookhi.

(ii), (iii), (iv) and (v). The reply is in the affirmative.

(b), (i). The orders of the Government in regard to the redress of communal inequalities are being strictly carried out in the Military Accounts Department. Some time must, however, elapse before the desired proportion of minority communities in the upper grades of the Department can be attained.

(ii), (iii) and (iv). The present system of recruitment to the Military Accounts Department and promotion to the various grades therein has been introduced by Government after very careful consideration with due regard to seniority and efficiency in the service and they are not proposing to make any change therein.

APPOINTMENT OF MUSLIMS IN ACCOUNTS OFFICES.

725. *Dr. Ziauddin Ahmad (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Will Government be pleased to state if it is a fact that :

- (i) out of 66 permanent Assistant Accounts Officers in India the Muslims hold only one appointment ;
- (ii) out of 321 permanent appointments in the subordinate Accounts service the Muslims hold only 8 ;
- (iii) out of 3,076 permanent appointments of clerks the Muslims hold 177 ;
- (iv) out of 246 permanent appointments of Divisional Accountants the Muslims hold only 10 ;
- (v) out of nine permanent appointments of stenographers none is held by Muslims ;
- (vi) out of 81 permanent appointments of typists the Muslims hold only 8 ; and

- (vii) the percentage of Muslims in all the appointments calculated together (out of a total number of 3,793 posts the Muslims hold only 200) comes to only 5.14 per cent. ?

(b) If replies to the above questions be in the affirmative, will Government be pleased to state whether the declared policy of Government regarding redressing of the communal inequality is in force in this Department ? (See Home Department letter No. 176/25, dated the 5th February, 1926.)

(c) If reply to part (b) above be in the affirmative, will Government be pleased to state :—

- (i) why the preponderance of members of one community is allowed in the Department ;
- (ii) what special and effective steps do Government now propose to take to remove the existing unprecedented communal inequality ?

The Honourable Sir George Schuster : Enquiry is being made and a reply will be sent to the Honourable Member as soon as possible.

RECRUITMENT TO THE INCOME-TAX DEPARTMENT.

726. *Kunwar Hajee Ismail Ali Khan (on behalf of Mr. Maswood Ahmad) : Will Government be pleased to state :

- (a) the number of Income-tax Officers and Inspectors employed in the Province of Bihar and Orissa in the Income-tax Department ;
- (b) the percentage of representation of various communities in the said appointments ;
- (c) whether recruitment to the Income-tax Service is made on provincial or all-India basis ; and
- (d) the method followed in different provinces for the recruitment of the above Service ?

The Honourable Sir George Schuster : (a) Eighteen Income-tax Officers† and 11 Inspectors.

(b) Income-tax Officers :

Hindus	..	..	..	15 or 83.2 per cent.
Muhammadans	..	..	..	1 or 5.6 per cent.
Anglo-Indians	..	..	..	1 or 5.6 per cent.
Others	..	..	..	1 or 5.6 per cent.

Inspectors :

Hindus	..	..	..	9 or 81.8 per cent.
Muhammadans	..	..	..	2 or 18.2 per cent.
Others	..	..	..	Nil.

(c) Recruitment is made on provincial basis except in the case of the Commissioner of Income-tax.

†There are three Assistant Income-tax officers also, of whom two are Hindus and one Muhammadan.

(d) (1). Assistant Commissioners of Income-tax are appointed by the Commissioners of Income-tax with the approval of the Local Government and the Public Service Commission and are selected from amongst the Income-tax Officers.

(2) Income-tax Officers are appointed by the Commissioners of Income-tax with the approval of the Local Government and are generally selected from amongst Assistant Income-tax Officers, Examiners of Accounts or Inspectors but are also occasionally recruited direct.

(3) Inspectors are appointed by the Commissioners generally by direct recruitment and in some cases from the clerical staff.

REPORT OF THE RETRENCHMENT COMMITTEE.

727. *Kunwar Hajee Ismail Ali Khan : Will Government kindly inform the House when the Report of the Retrenchment Committee is expected to be ready and whether an opportunity will be given to this House to discuss it before taking action thereon ? If not, why not ?

The Honourable Sir George Schuster : Final or interim Reports of four sub-Committees were presented at a meeting to the main Retrenchment Advisory Committee on September, 19th. Reports from the remaining two Sub-Committees are expected by the end of September. With regard to the second part of the question, I refer the Honourable Member to my answer to a supplementary question put by Mr. Gaya Prasad Singh on the 15th instant, that Government cannot give any specific answer at present but will take an early opportunity to inform the House of their plans as regards the consideration of the Retrenchment Committee's Report.

REPORT OF THE FRONTIER CRIMES REGULATIONS COMMITTEE:

728. *Sir Abdur Rahim : (a) Will Government be pleased to state the date on which they intend to publish the Report of the Frontier Crimes Regulations Committee ?

(b) Will Government give an opportunity to the members of this Assembly to discuss the report at the present session ?

Mr. E. B. Howell : (a) The Report of the Frontier Regulations Enquiry Committee is being printed and the question of its publication is under consideration.

(b) It seems unlikely that time will permit of the matter being discussed during the present session.

Sir Abdur Rahim : Have Government made up their minds that they are going to publish this Report as soon as it is printed, or not ?

Mr. E. B. Howell : Not yet, Sir.

Sir Abdur Rahim : Is there any reason ?

Mr. E. B. Howell : Undoubtedly, Sir.

Sir Abdur Rahim : May I know what that reason is ?

Mr. E. B. Howell : If the Honourable Member really presses me, I will say that we have asked the Chief Commissioner of the North West Frontier Province whether he sees any objection to its being published. We have not yet got his reply. Here we have no objection.

CANDIDATES NOMINATED FOR EXAMINATION BY THE POSTMASTER, DELHI.

729. *Mr. M. Maswood Ahmad : (a) Will Government be pleased to state the names of the Postal officials recommended by the acting Postmaster, Delhi, to the Postmaster General, Punjab and North West Frontier Circle for the lowest selection grade examination ?

(b) What are the qualifications of each of the three officials nominated to the said examination ? What are their orders of seniority among the postal clerks of Delhi ?

(c) Is it a fact that two of the nominated persons were passed over last year by Mr. O'Loughlin, Postmaster, Delhi, as undeserving and unfit and an official junior to them was nominated last year ?

(d) Is it a fact that there are many Muslims fulfilling the conditions for nomination and they include one M.A., one B.A., and several undergraduates and matriculates ?

(e) Will Government be pleased to state the name of the Postmaster, Delhi, who made such recommendations as are referred to above ?

Sir Hubert Sams : (a) to (e). Government have no information. The matter is within the competence of the Postmaster General, Punjab and North West Frontier.

CANDIDATES NOMINATED FOR EXAMINATION BY THE POSTMASTER, DELHI.

730. *Mr. M. Maswood Ahmad : (a) Is it a fact that the question of nomination of candidates to the lowest selection grade examination was kept a secret by the Postmaster, Delhi ?

(b) Is it a fact that one of the applicants, Mr. Basharatullah, M.A., who headed the list of successful candidates in the B.A. examination of the University of Delhi in 1928, and who took his M.A. degree in Philosophy in 1930, and who has crossed the first efficiency bar was superseded by a certain matriculate in spite of his high academic qualifications ? Had he an unblemished departmental career ?

(c) Will Government kindly state the name of the person who superseded the said Basharatullah and the reason for this supersession ?

(d) Do Government propose to set aside the nominations and order fresh nominations in order to give chances to the members of the minority communities for promotion to the lowest selection grade cadre ?

(e). What is the representation of Muslims in the lowest grade selection cadre ?

Sir Hubert Sams : (a) to (e). Government have no information. The matter is within the competence of the Postmaster General, Punjab and North West Frontier, to whom a copy of the question is being sent. With respect to parts (d) and (e) it may be mentioned that the orders regarding communal representation apply only to new recruitment and not to promotions.

DISMISSAL OF MUSLIMS IN THE UNITED PROVINCES POSTAL CIRCLE.

731. ***Mr. M. Maswood Ahmad :** Is it a fact that the number of dismissals and degradations of Muslims in the United Provinces Postal Circle during the last six months exceeds that of the previous six months ? If so, will Government please ascertain and intimate to the House the reasons for the same ?

Sir Hubert Sams : It is regretted that the information is not available and could not easily be collected. If any of the officials concerned has a grievance it is open to him to represent it through the proper official channel.

SUPERIOR STAFF OF THE GARTOK AGENCY.

732. ***Lt. Nawab Muhammad Ibrahim Ali Khan :** (a) Is it a fact that the Government of India on the recommendation of the Punjab Government deputed a Special Officer to Gartok to inspect the Agency and to make some suitable and economical suggestions regarding its future management in 1929 ?

(b) Will Government please lay on the table a statement showing the total expenditure on the superior establishment of the Agency, *viz.*, salary, travelling allowance, travelling allowance on transfer from Simla to Gartok and *vice versa* and house rent paid to each of them during the winter months separately for the financial years 1927, 1928, 1929 and 1930, and in the part of 1931 ?

(c) Are Government aware that the Agency staff practically has nothing to do during the winter months in Simla ? If so, are Government prepared, keeping in view the present financial stringency, to reconsider their decision and to sanction the old arrangement in force in 1927 ?

Mr. E. B. Howell : (a) A special officer was deputed, but economy was not the primary object of his inspection.

(b) A statement is laid on the table which contains all the information required by the Honourable Member except the amount paid as house-rent in Simla. The exact amount of this is not exactly known, information not yet having been received from the Local Government.

(c) Yes. Government are not prepared to revert to the old arrangements in force in 1927.

Name and designation.	1927-28.				1928-29.			
	Pay.	T. A.	Transfer T. A.	Total.	Pay.	T. A.	Transfer T. A.	Total.
Ch. Pala Ram, B. T. A. ..	Rs. a. 800 0	Rs. a. 740 1	Rs. a. 1,905 7	Rs. a. 3,445 8	Rs. a. ..	Rs. a. ..	Rs. a. ..	Rs. a. ..
Dr. Kanahi Ram, S. A. S., upto 1929-1930 and B. T. A. in addition from 1930-31.	2,233 2	610 12	1,866 14	4,710 12	2,400 0	627 13	2,015 10	5,043 7
Th. Hayat Singh, B. T. A., in 1928-29	..	..	..	..	796 13	535 0	1,493 11	2,825 8
Mr. Wakefield, I.C.S., Officer in charge, Trade Agency, in 1929-30.	..	..	..	..	..	..	..	..
Th. Latehman Singh, Jongpangi, Accountant.	..	..	..	..	..	..	..	..
Grand Total ..	3,033 2	1,350 13	3,772 5	8,156 4	3,196 13	1,162 13	3,509 5	7,868 15

Name and designation.	1929-30.				1930-31.			
	Pay.	T. A.	Transfer T. A.	Total.	Pay.	T. A.	Transfer T. A.	Total.
Ch. Pala Ram, B. T. A. ..	Rs. a. p. ..	Rs. a. ..	Rs. a. ..	Rs. a. ..	Rs. a. ..	Rs. a. ..	Rs. a. ..	Rs. a. ..
Dr. Kanshi Ram, S. A. S., upto 1929. 1930 and B. T. A. in addition from 1930-31.	2,400 0 0	275 10	1,884 13	4,560 7	3,154 0	726 0	2,228 10	6,108 10
Th. Hayat Singh, B. T. A., in 1928-29	..	..	..	..	..	..	..	..
Mr. Wakefield, I.C.S., Officer in charge, Trade Agency in 1929-30.	4,198 8 6	786 11	1,889 6	6,874 9	..	..	..	..
Th. Lakshman Singh, Jangpangi, Accountant.	..	..	..	..	1,003 5	730 3	1,418 4	3,151 12
• Grand Total ..	6,598 8 6	1,082 5	3,774 3	11,435 0	4,157 5	1,456 3	3,646 14	9,260 6

INSPECTION OF THE BRITISH TRADE AGENCY, GARTOK, AND PAY OF THE BRITISH TRADE AGENT.

733. *Lt. Nawab Muhammad Ibrahim Ali Khan : (a) Is it a fact that the Special Officer deputed to inspect the British Trade Agency, Gartok, made a recommendation to the effect that the British Trade Agent will draw enhanced pay from the date of departure from and to date of return to Simla ? If so, is this recommendation observed strictly ?

(b) Is it not a fact that the present British Trade Agent reverts to his substantive post (Sub-Assistant Surgeon) from the date of his return to Simla and is attached to the General Hospital ? If so, is he entitled to get Rs. 60 per mensem house rent during his winter stay in Simla ?

(c) Will Government please state how many cases pending in the court of Garpons from previous years have been decided with his consultation ?

Mr. E. B. Howell : (a) Yes. He draws enhanced pay for the six summer months.

(b) Yes, the matter is under consideration.

(c) The information will not be available until the return of the Trade Agent from Gartok in two months time.

SELECTION OF OFFICERS FOR THE SALT DEPARTMENT ON ITS SEPARATION FROM THE EXCISE DEPARTMENT.

734. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Was any, and, if so, what, principle observed at the bifurcation of the Salt and Excise Departments in 1924 in selecting officers to the Salt Department ?

(b) Is it not a fact that the officers themselves were not allowed to exercise any choice of their own and the selections were left entirely in the hands of the departmental head ?

(c) Have the Madras Salt officers memorialised Government on the subject of their being at a great disadvantage, on account of their being young, in the matter of their promotions to higher ranks and, if so, with what result ?

The Honourable Sir George Schuster : (a) and (b). At the time of the bifurcation, officers were given an opportunity to choose the Department in which they wished to serve. In many cases, however, it was not found possible to comply with their wishes, first, because the selection had to be restricted to the number of officers required in each grade of the two Departments, and, secondly, because it was desirable to select officers for the Salt Department or Excise Department according to their experience in the work of either of the two.

(c) Memorials have been received by Government from time to time from Inspectors and Assistant Inspectors of the Madras Salt Department representing their loss of prospects due to the bifurcation. Revised scales of pay were sanctioned by the Government of India in 1927 to compensate these officers to some extent for this loss of prospects.

735. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Are Government aware that some of the Assistant Inspectors, who were acting as Inspectors at the time of the bifurcation of the Salt and Excise Departments in 1924, are still Assistant Inspectors in the Salt Department, while Assistant Inspectors allotted to the Excise Department and even some Sub-Inspectors drawing Rs. 80 and Rs. 90 a month at the time of the bifurcation are now *pucca* Inspectors drawing a salary of about Rs. 425 in the Excise Department ?

(b) Are Government prepared to institute an inquiry into the grievances of the Salt Officers who have suffered on account of the bifurcation and direct their transfers to other departments such as Income-tax, Customs, Excise, Land Revenue, Police and Co-operative ?

The Honourable Sir George Schuster : (a) The Government of India understand that the position is, or has recently been, as stated in the question.

(b) The question has already been fully considered from time to time and efforts have been made to secure relief by arranging transfers to suitable appointments in other departments. The Government regret to say that there is nothing more that they can do in existing conditions.

736. *Mr. Muhammad Muazzam Sahib Bahadur : Will Government please lay down particulars of the clerical establishment of the various Departments of the Government of India in the statements A and B below ?—

A.

*Statement showing strength of clerical establishment of the.....
Department at the end of each of the last five years.*

[illegible]

B.

Statement showing vacancies occurred and filled in the clerical establishment of the.....Department during the last five years.

	1926-27.			1927-28.			1928-29.			1929-30.			1930-31.		
	I	II	III	I	II	III	I	II	III	I	II	III	I	II	III
	Di	Di	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.	Dn.
<i>Permanent—</i>															
(i) Total No. of vacancies occurred in each Division.															
(ii) Number of vacancies filled by Muslims in each Division.															
<i>Temporary—</i>															
(i) Total Number of vacancies occurred in each Division.															
(ii) Number of vacancies filled in by Muslims.															

The Honourable Sir James Crerar : I regret that the information asked for is not readily available and as the labour involved in collecting it would not be commensurate with the results obtained, I am unable to undertake the task. The Honourable Member will, however, find in the library statements showing the communal composition of the staff of each Department as a whole for the years 1927 to 1930.

PRIVATE PRESS OWNED BY THE FOREMAN PRINTER OF THE GOVERNMENT OF INDIA PRESS, ALIGARH.

737. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Is it a fact that Babu Kamakhya Charan Mittra, officiating Foreman Printer of the Government of India Press, Aligarh, owns a private press at Aligarh known as the " Rose Press " ?

(b) Has the attention of Government been drawn to the allegations current against him that he is making use of Government press materials as well as requisitioning the services of Government Press employees in his own press ?

(c) Will Government please state what action they intend taking against employees who, in spite of warnings issued prohibiting them from carrying on any business in the names of their wives, minor children or relatives, still persist in doing so ?

Mr. J. A. Shillidy : (a) to (c). Enquiries are being made.

APPOINTMENT OF BABU KAMAKHYA CHARAN MITTRA AS FOREMAN PRINTER OF THE GOVERNMENT OF INDIA PRESS, ALIGARH.

738. *Mr. Muhammad Muazzam Sahib Bahadur : Is it a fact that Babu Kamakhya Charan Mittra is only a clerk with no special qualifications, and that he has been allowed to officiate as Foreman Printer, Government of India Press, Aligarh ? Is it a fact that this is a post for which technical qualifications are absolutely essential ; and is it also a fact that this clerk has been officiating as Foreman Printer in spite of orders issued by the Controller of Printing and Stationery directing the appointment of a technical and properly qualified person ?

Mr. J. A. Shillidy : The Controller of Printing and Stationery, India, is responsible to Government generally for the efficient working of the Government of India Presses and Government do not propose to call for information regarding these administrative details which are matters for his discretion.

RETRENCHMENT OF MUSLIM EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, ALIGARH.

739. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Are Government aware that notwithstanding the small percentage of Muslim employees in the Government of India Press at Aligarh, 75 per cent. of the Muslim employees have been recently retrenched ?

(b) If the answer to part (a) is in the affirmative, will Government please state what steps they intend to take to redress the grievances of the Muslim employees retrenched ?

Mr. J. A. Shillidy : (a) and (b). Government have no information, but inquiries are being made.

MUSLIM CANDIDATES FOR GOVERNMENT SERVICE.

740. *Mr. Muhammad Muazzam Sahib Bahadur : Will Government be pleased to state :

- (a) the number of such Muslim candidates (in each division) as have passed in any of the Public Service Commission (or Staff Selection Board) examination held prior to 1931, but have not yet been confirmed in the division for which they have qualified ;
- (b) the number of vacancies, in each division, reserved for Muslim candidates after the 1st April, 1930, and intended to be filled in by the Muslim candidates passing the 1931 competitive or qualifying examinations ;
- (c) the number of Muslim and non-Muslim candidates separately passing the 1931 examinations, in each division ;

(d) in the statement below, how the posts have been offered to the candidates passing the 1931 examination :

	Passed in Division.	Posts offered in					
		1st Division.		2nd Division.		3rd Division.	
		Secretariat.	Attached Offices.	Secretariat.	Attached Offices.	Secretariat.	Attached Offices.
Muslims	I II III						
Non-Muslims	I II III						

(e) the number of vacancies, in each division, not yet permanently filled in ?

The Honourable Sir James Crerar : The information asked for is being sent to the Honourable Member separately.

RECRUITMENT OF MUSLIMS TO GOVERNMENT DEPARTMENTS.

741. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Is it a fact that :

(i) one of the main objects in holding the 1931 Public Service Commission examinations (competitive and qualifying) was to get an adequate number of Muslim passed candidates for adjusting the poor representation of the Muslims in the ministerial establishment of the Government of India Offices ; and

(ii) there were already a number of passed Muslim candidates working in the Government of India Offices, in temporary or officiating capacities, and not confirmed in the division for which they had qualified, at the time when it was proposed to hold a competitive examination in 1931, and orders prohibiting filling in permanently vacancies after the 1st April, 1930, were issued ?

(b) If the reply to part (a) (i) and (ii) above be in the affirmative, will Government be pleased to state the reasons why Muslim candidates, who had passed the Public Service Commission or Staff Selection Board examinations prior to 1931, were not confirmed in the posts kept vacant for the prospective Muslim candidates of 1931 examinations, when the former had at their credit years of service and experience and had passed similar tests ?

The Honourable Sir James Crerar : (a) (i). One of the objects was to fill such vacancies as existed for direct Muslim recruits.

(ii) Yes, but the orders referred to applied only to vacancies reserved for direct recruitment.

(b) I would refer the Honourable Member to the reply given in this House to parts (2) and (3) of unstarred question No. 173 on the 11th February, 1931.

RECRUITMENT OF MUSLIMS TO GOVERNMENT DEPARTMENTS.

742. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Is it a fact that as a result of 1931 examination Government could not get adequate number of passed Muslim candidates to fill in the posts kept vacant for them ?

(b) If the reply to part (a) above be in the affirmative, are Government disposed to consider the desirability of filling in these posts (as well as those, if any, occurring consequent on the voluntary or compulsory retirement of officials as a result of retrenchment), by confirming Muslim candidates as have qualified themselves in the Public Service Commission examination prior to 1931 ? If not, why not ?

The Honourable Sir James Crerar : (a) Yes, in respect of vacancies in the Third Division only.

(b) All the Muslim candidates who qualified for the Third Division in previous examinations and were temporarily employed have been provided with permanent appointments.

RECRUITMENT OF MUSLIMS TO GOVERNMENT DEPARTMENTS.

743. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Will Government be pleased to state if they contemplate holding any competitive examination in the near future to get passed Muslim candidates to fill in posts reserved for Muslims but not filled in owing to inadequacy of Muslim passed candidates as a result of 1931 examinations ?

(b) If the reply to part (a) above be in the negative, will Government be pleased to state what measures they propose taking for filling in such vacancies ?

The Honourable Sir James Crerar : It has not yet been decided when the next examination for vacancies in the Secretariat will be held. Meanwhile unqualified Muslims temporarily holding permanent vacancies intended for Muslims are generally being allowed to continue to hold those vacancies temporarily.

PROMOTION OF MUSLIMS IN GOVERNMENT SERVICE.

744. *Mr. Muhammad Muazzam Sahib Bahadur : (a) Is it a fact that when a candidate is once confirmed in any post his name is removed from the list maintained by the Public Service Commission irrespective of the fact that he has qualified for divisions higher than the one in which he has been confirmed ?

(b) If the reply to part (a) above be in the affirmative, are Government aware of the difficulties experienced by such candidates especially Muslims, in securing posts in the division for which they qualified at their own efforts ? If so, are Government prepared to consider the desirability of keeping the names of passed candidates on the list till they have been confirmed in the division for which they have qualified ?

The Honourable Sir James Crerar : (a) The Public Service Commission do not maintain a waiting list of persons who have been provided with permanent appointments.

(b) The rules include reasonable provision for the promotion of qualified men and I see no necessity for a waiting list.

PERMANENT APPOINTMENT OF TEMPORARY QUALIFIED CLERKS.

745. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Is it a fact that the candidates who have passed the 1931 competitive examination have been given permanent posts, whereas those who have passed examinations prior to that are still working in temporary or officiating capacity ?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state the reasons for such preferential treatment to the new entrants over the experienced hands ?

The Honourable Sir James Crerar : (a) Yes, in so far as the First and the Second Divisions are concerned.

(b) Under the system of recruitment, a proportion of vacancies is required to be filled by direct recruitment, and departmental candidates, to which category the men in question belong, have no claim on these vacancies. The scheme, however, as just stated includes adequate provision for the promotion or confirmation of candidates who qualified in the previous examinations.

PERMANENT APPOINTMENT OF TEMPORARY QUALIFIED CLERKS.

746. ***Mr. Muhammad Muazzam Sahib Bahadur :** Is it a fact that orders have been issued to the effect that such of the passed candidates as may not be given permanent posts upto 30th September, 1931, will be considered as out of the list in spite of their having passed the examination ? If so, are Government prepared to consider the desirability of confirming Muslim candidates who have passed Public Service Commission or Staff Selection Board examinations prior to 1931, with immediate effect in the vacancies reserved for Muslims ?

The Honourable Sir James Crerar : The orders are to the effect that those candidates who qualified in 1931, and those who qualified in previous years but have refused offers of appointment, will not be considered for vacancies occurring after the 30th September, 1931. Those who qualified previous to 1931, but who have not refused an offer of appointment in a permanent capacity will be considered for future vacancies.

INCOME-TAX ASSESSMENTS.

747. ***Rai Bahadur Sukhraj Rai :** (a) Will Government be pleased to state what is the total percentage of assessments under Income-tax Act made under section 23 (4) to the assessments under section 23 (3) of the Act in this country ? Is it true that the percentage is 90 ?

(b) Are Government aware of the hardships caused to the assesseees by these assessments and have they issued any general instructions to apply the section with sympathy and humanity to the officers of Income-tax Department in these hard and critical times ?

(c) Are Government aware that when these assessments are cancelled under section 27 of the Act, the Income-tax officers do not refund the tax realised at once, but they make as much delay as possible in giving refunds which they do not do unless they make fresh assessments? Are there any private instructions to the effect to the officers?

The Honourable Sir George Schuster : (a) Statistics are not on record showing separately the number of assessments made under section 23 (4) and section 23 (3) of the Indian Income-tax Act; but the following information which is the latest available will probably serve the Honourable Member's purpose. In the year 1929-30 there were 326,719 assesses. The number of cases in which accounts were called for from assesseees was 225,742, the difference between this figure and the figure for the total number of assesseees being mainly accounted for by the cases of persons with income from salary only. Out of the 225,742 cases in which accounts were called for from assesseees, accounts were produced in 178,844 cases, and the number of cases in which it was found possible to base the assessment on the accounts so produced was 110,435. It will be seen from these figures that the percentage of assessments under section 23 (4) to assessments under section 23 (3) cannot possibly be anything like so large as is suggested by the Honourable Member.

(b) I would draw the Honourable Member's attention to the instructions issued in paragraphs 67 and 69 on pages 197-198 and 199-200 of the Income-tax Manual, 4th edition. It will be seen that instructions have been issued to the Income-tax officers that they should administer the Act in a sympathetic spirit and in particular should give assistance to assesseees if they find any difficulty in filling up their returns.

(c) I would draw the Honourable Member's attention to the instruction contained in sub-paragraph 2 of paragraph 67 on page 197 of the Income-tax Manual, 4th edition. It will be seen that we have issued instructions that where an assessment is cancelled under section 27, the Income-tax officer should refund any tax already paid at once without waiting for an application for refund from the assessee and proceed with the case *de novo*.

MOTION FOR ADJOURNMENT.

PRONOUNCEMENT *re* THE EXCHANGE RATIO.

Mr. President : I have received a notice from Sir Cowasji Jehangir that he proposes to ask for leave to make a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance as follows :

"The pronouncement of the Secretary of State for India at yesterday's meeting of the Federal Structure Committee in London with special reference to the exchange ratio."

I have to inquire whether any Honourable Member has any objection to this motion.

The Honourable Sir George Schuster (Finance Member) : Sir, I do not propose to raise any point of order on this motion, for I think it must be admitted that it clearly falls within the definition of those occasions

[Sir George Schuster.]

which justify a motion for the adjournment of the House. But I would venture to address, in a very few words, an appeal to my Honourable friend not to press for a discussion on this subject today, because it is not really in the public interest that this matter should be debated at the present stage. I informed the House yesterday of the steps which the Government have taken in this matter, and we shall be issuing today a short *communiqué* as regards certain further steps. Just at the present stage when the Government have got to conclude certain arrangements in order that it may be possible to resume normal business in an atmosphere of calm and with avoidance of opportunities for speculation which might upset legitimate business, it would be, as I submit, not in the public interest that it should be fully debated in this House. Opinions are bound to be expressed, views stated, which might do a good deal to disturb that atmosphere of confidence which is justified in all the circumstances and which it is the object of the Government to preserve. Therefore I would venture to ask my Honourable friend not to press for a discussion ; and if I might add, I would express a hope that if he wishes to proceed, he will not be supported by 25 Members.

Mr. President : Does the Honourable Member wish to say anything as regards the appeal made to him ?

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : I regret very much, Sir, that I cannot accede to the request made by the Honourable the Finance Member. There is no desire on the part of this House to embarrass Government. What we want to discuss is the statement made by the Secretary of State for India and that is all that we will discuss, I trust ; and it is time that we gave expression to our views on a statement which I do not desire to characterise at this moment in strong language but which certainly deserves condemnation at the very first moment that this House gets an opportunity.

Mr. President : As objection has been taken, I request those Honourable Members who are in favour of leave being granted to rise in their places.

(Not less than 25 Members rose in their places.)

Mr. President : As not less than 25 Members have risen, I declare that leave is granted and that the motion will be taken up for discussion at 4 P.M. this afternoon.

The House will now resume discussion of Sir Muhammad Yakub's Resolution.

RESOLUTION *RE* CONTROL OF MONEY LENDING AND RATES OF INTEREST—*contd.*

Lala Hari Raj Swarup (United Provinces : Landholders) : **Mr. President,** I rise to support the Resolution of my friend, Sir Muhammad Yakub. It is an admitted fact that the present economic depression is pressing very hard on every section of the people. But those who are living on agriculture are very hard pressed, and unless some steps are taken to relieve their distress, the trouble is bound to grow more and more. The fall in the price of agricultural produce has been very unprecedented, so much so that the price of wheat which the tenants get is 66 per cent. below the cost of

production, and that of sugar 30 per cent. of the cost of production, and the cases of cotton and rice are not very dissimilar. The chief burdens which the agriculturists have to bear in these times are three, land revenue and rent, irrigation rates and interest charges. As the House is aware, the Government in the various provinces are doing their best to relieve their distress so far as the land revenue and rent and irrigation rates are concerned. (*An Honourable Member* : "Question.") In my own province they have reduced 7 annas in the rupee in rent and two annas in the rupee in irrigation rates ; and in the Punjab also they have ordered remissions. But unless and until the Government tackle the problem of rural indebtedness in a broad and statesman-like manner, I doubt very much if these remissions alone will help the situation. Taking the case of the United Provinces, the total demand on account of rent payable by agriculturists is about 17 crores, and of irrigation rates about 3 crores. Against this, the tenants have to pay about Rs. 20 crores by way of interest charges, that is, the total of the land revenue and irrigation rates. The Resolution of Sir Muhammad Yakub seeks to remedy this difficulty and relieve the tenants of the huge burden that they are labouring under under present conditions.

The question of rural indebtedness may be divided broadly into two parts. Existing indebtedness and the indebtedness of the future. The Indian Central Banking Inquiry Committee has said that the total agricultural indebtedness of the rural classes is about 900 crores of rupees. So first we have to deal with the question of the existing debt of 900 crores of rupees. Unless some scheme is evolved to liquidate or redeem this debt, the chronic indebtedness of the tenant will remain there. The time to take steps in the direction of liquidating the existing debt is most opportune, because the creditors at this time are not in a position to recover their whole payment from the tenants on account of their poor economic position, and so if any steps are taken by the Government at the present time, it is quite possible that a reasonable amount of reduction may be obtained in the extent of indebtedness. Some other steps in this direction I might also indicate.

1. The establishment of Conciliation Boards, so that they may tackle the problem in the villages by educating the borrowers and the creditors and by making them to arrive at some settlement about the liquidation of the existing debt.

2. The establishment of Debt Redemption Societies on a co-operative basis in the villages. If necessary some legislation may be undertaken in this behalf with a view to start these societies.

3. Some methods should be adopted for making a simple Rural Insolvency Act, and the remarks of the Central Banking Inquiry Committee in this behalf are worth attention. They say this :

"Just as creditors have the right to insist that all the debtor's assets should be impounded and be applied towards the payment of the debts, so also the debtor who has given up all his assets should have the clear right to be allowed to earn his living if he can and to be free to make a new start in life."

4. The revision of the Limitation Act is eminently necessary. Now unsecured debts have a limit of 3 years and a decree can be continued for 12 years. In the case of labour and tenant, there is no reason why this long period of limitation should not be reduced to 2 years in the case of secured debts and to 6 years in the case of decrees. But if some steps are

[Lala Hari Raj Swarup.]

not taken to check the future growth of indebtedness, the existing indebtedness will also increase considerably. The Punjab Banking Inquiry calculated that the total agricultural debt in the province has increased from 90 crores in 1921 to 135 crores in 1929, and the case of other provinces is not much dissimilar to what it is in the Punjab. If this growth of indebtedness is not checked, there is no hope of salvation for the agricultural classes. This can be done by two methods, first by checking the usurious rates of interest and secondly by regulating money lending. Sir, much has been said about the Usurious Loans Act, and it has been said that it can be effectively checked by the existing Act, but experience has proved that the Act has not been of much use, and the Bengal Banking Inquiry says this :

“ The difficulties mentioned by the Bengal Committee in their Report, namely, want of sufficient evidence to show the usual prevalent rate in the locality ; the difficulty of establishing that a transaction is substantially unfair ; the difficulty of securing sufficient evidence to prove that consent was obtained by undue influence or unfair means.”

The onus to prove that the transaction has been unfair and the rate of interest has been very excessive naturally falls on the borrower. Moreover the Usurious Loans Act is a measure of a punitive kind, but what is required in this case is legislation of a preventive nature. Several provinces have taken steps in this direction, and the Punjab have passed a Bill known as the Regulation of Accounts Bill of 1930. It is for the Government of India to consider if some such legislation cannot be undertaken on an all-India basis, so that future indebtedness may be checked. It has been said often that such legislation is aimed at the money lender and that the relations of the borrower and the tenant should be left to natural forces and that no legislation should be undertaken to disturb the existing relations. A contract can only be a fair contract between parties who stand on an equal footing. In this case the creditor is the stronger party and the borrower is the weaker party, and the creditor certainly has the upper hand in the contract. Therefore it is for the purpose of checking this unfair treatment that legislation is necessary.

As regards the argument that such legislation as I have suggested will be a blow to the money lender, certainly the need of the village money lender is admitted on all hands, and this is what the Central Banking Inquiry Committee say about him :

“ We agree with the Provincial Committees that the money-lender is an indispensable feature of Indian rural economy. He is easily accessible. His methods of business are simple and elastic. He maintains a close personal contact with the borrower, often having hereditary relations with the family of the borrower. His local knowledge and experience and his presence on the spot enable him to accommodate persons without tangible assets and yet protect himself against losses.”

The necessity for the presence of the money lender is admitted, but it is the abuse of the practice and the deterioration in the custom of money lending that has rendered some legislation necessary, and some of the objectionable practices adopted by these money lenders are mentioned by the Central Banking Inquiry Committee in their Report, *e.g.*—

- (a) demand for advance interest ;
- (b) demand for a present for doing business, known as *giralī kholai* (purse opening) ;
- (c) taking of thumb impression in a blank paper with a view to inserting any arbitrary amount at a later date if the debtor becomes irregular in payment of interest ;

- (d) general manipulation of the account to the disadvantage of the debtor ;
- (e) insertion in written documents of sums considerably in excess of the actual money lent ; and
- (f) taking of conditional sale deeds in order to provide against possible evasion of payment by the debtor."

It is to check these malpractices, Sir, that some legislation, as suggested by my Honourable friend, Sir Muhammad Yakub, should be undertaken by the Government of India for the whole country.

Another argument that is usually used is that there will be a lot of evasion against any such legislation. There is hardly any legislation which cannot be evaded, and the very fact that such a measure is on the Statute-book will have a moral effect and lead to a certain amount of check. That is also what the Labour Commission have said about this argument of evasion :

" The principal objection against promulgation of the measures we have proposed above is that they are liable to be evaded in various ways, but the fact that the provisions of the law are capable of being evaded by fraudulent means should not deter the Legislature from enacting a just and necessary measure for the protection of the simple and the ignorant. The mere existence of the measure on the Statute-book would tend to educate and strengthen public opinion and make the law-abiding and less adventurous among the money-lenders averse to making any attempt at evasion."

Mr. President : The Honourable Member's time is up.

Mian Muhammad Shah Nawaz (West Central Punjab : Muhammadan) : Mr. President, the well being of a people is like a tree : agriculture is its root, manufacture and commerce are its branches and leaves. If the root is injured, the leaves fall, the branches break away, and the tree dies. This is exactly the position of the agricultural classes in India. I am afraid the Honourable Members have not paid as much attention to this Resolution, which was so ably moved by my Honourable friend, Sir Muhammad Yakub, supported by facts and figures, as it deserves.

Sir, money lending is a necessity when there is a moderate rate of interest ; it becomes at once a curse when there is an exorbitant rate of interest. Then it demoralises both the creditor and the debtor. On the most conservative calculation, it is estimated that in the Punjab not more than ten per cent. of the population is free from debt. The money lender is really the evil genius of the cultivator and the peasant proprietor. He exploits him when he is in prosperity ; he enslaves him when he is in poverty. The peasant proprietor, being ignorant, unbusiness-like, and impoverished, is no match for the rapacious and astute money lender. He always takes full advantage of the position of the peasant proprietor.

It is admitted that all the religious reformers in the ancient times condemned usury. Moses, the law-giver of the greatest money lending race in the world, condemned usury. The Christ and our Prophet (peace be on him) also condemned it in the clearest words. The Roman people did not allow a rate of interest more than 15 per cent. The Roman stoic philosopher, Cato, when being asked what he thought of usury, replied by asking his questioner what he thought of murder. The ancient Hindus never allowed the accumulated interest to exceed more than the principal. In Turkey, at present the rate of interest is not allowed to go to more than 9 per cent. by law. In Czechoslovakia, usury is prohibited by the constitution. The French and the German laws give wide discretion to the Judges to cut

[Mian Muhammad Shah Nawaz.]

down excessive rates of interest on the ground that they are excessive. But the laws in India are utterly inadequate to give relief to the ignorant borrower.

Sir, it is urged that the Usurious Loans Act, 1918, is a sufficient remedy. With your permission,—I am afraid the Honourable the Home Member is not here—I desire to cite the various rulings of the High Courts to show conclusively that the Usurious Loans Act of 1918 is absolutely ineffectual. I do hope that some one will jot down those rulings on behalf of the Honourable the Home Member. In the All-India Reporter, 1929, Allahabad, page 680—that is a recent ruling—it was held by Mr. Justice Bannerjee and Mr. Justice King that from the fact that the mortgagor was heavily indebted and in urgent need of money it cannot be inferred that the mortgagee was in a position to dominate his will and that the agreement was unfair within the meaning of section 3 of the Usurious Loans Act of 1918, and the rate of interest at Rs. 2-8-0 per cent. per mensem compoundable quarterly was held not excessive! Fancy, this is the ruling of a High Court—the Allahabad High Court—a province where the agriculturists are hard hit and the tenants are dying of starvation. And yet I was surprised when it was urged by my Honourable friends, Mr. Morgan and also by Mr. DeSouza who, of course, has sympathy with the agriculturist, that the Usurious Loans Act can be utilised to give relief to the borrower. How are you going to utilise it in the face of this ruling of the Allahabad High Court? The Usurious Loans Act is hedged in with so many limitations. Again, Sir, in 18 Sind Law Reporter, page 39 (1925), it was held by Justice Raymond and Justice Rup Chand, that it would not be proper for the Court to give relief as to the rate of interest on the simple ground of hardship in the absence of evidence that the creditor had taken undue advantage of the position of the debtor, even when the transaction appeared to be undoubtedly improvident.

Dr. F. X. DeSouza (Nominated Non-Official) : Was it a ruling under the Usurious Loans Act?

Mian Muhammad Shah Nawaz : Yes. I am a lawyer and I am quite sure of my law and facts.

Mr. President : Order, order. Honourable Members cannot engage in discussion across the floor of the House.

Mian Muhammad Shah Nawaz : Yes, Sir, it is a ruling under section 3 of the Usurious Loans Act where the provisions are to the effect that the debtor has to show that the contract was substantially unfair and the rate of interest excessive. Again, Sir, in 27 Bombay Law Reporter, page 1462, it was held by a Division Bench of the Bombay High Court that the provisions of the Usurious Loans Act cannot apply to a suit by a debtor unless he comes forward to redeem his own property; that is to say, he cannot institute a suit merely on the ground that the rate of interest is excessive. These are the rulings of the various High Courts. Can any Honourable Member in this House then say that the Usurious Loans Act of 1918 is sufficient to meet the present situation?

Now, Sir, turn to the Contract Act, section 16, under which the rate of interest can be reduced on the ground that the transaction was unconscionable and was entered into between the creditor and the debtor under undue influence or coercion. But their Lordships of the Privy Council have

held, as every lawyer knows—I am only saying this for the benefit of the Executive Councillors, because I do not know whether they are aware of such a ruling—that the rate of interest, however high it may be, say, 24, 36 or for that matter 48 per cent., per annum cannot be reduced unless it is proved that the contract was unconscionable and the creditor was in a position to dominate the will of his debtor. Heavy rates of interest to the extent of 36 and 48 per cent. per annum are enforced in all Courts of India and the poor agriculturists and those who borrow money are helpless. I appeal to the Home Member and the Honourable Member for Education, Health and Lands, and ask them whether it is not proper to legislate at once to administer healing remedy to the disease of exorbitant rates of interest. If you cannot do it, you must give discretion to the courts to cut down excessive rates of interest on the mere ground that the rate is excessive—beyond 12 per cent. That is the only way you can remedy the evil. I submit, Sir, that my friend Maulvi Sir Muhammad Yakub is quite right when he says that the present law should be amended and some legislation brought forward to give relief to the agriculturists. Now, the Banking Inquiry Committee have recommended two things, firstly that unprotected debts should be cancelled, and secondly that compulsory settlement should be brought about between the debtors and the creditors. The second method was prevalent in India in the time of the Moghuls and the Sikhs. At that time two very good checks were in force on money lending ; firstly, the existence of the village community which always dealt with the money lender fairly. If he charged exorbitantly, they refused to pay the high rate. Secondly, the *Kardar* who was in the position of the Tahsildar of the present day always used to look into the accounts of the parties and tell the money lender “ your rate of interest is too high. Strike out so much interest ”. He then called the debtor and told him “ You were negligent. You have 20 heads of cattle. Give the creditor 10 and you keep ten ”. In that way, everybody went satisfied. The Britishers speak of the freedom of contract. Can there be a freedom of contract between the lion and the lamb, between the strong and the weak ? The Europeans steeped in their own traditions and their own laws have enforced 36 per cent. and 48 per cent. of interest on the ground of freedom of contract. The whole affair is fundamentally wrong. I do not say that money lending should be stopped. It is a necessity, but the rate of interest should not be more than 12 per cent. The poor producer of corn has not enough to feed his children with all his hard labour. On top of this, the land revenue and water rates and indebtedness are ever increasing and there is no sign of revision. I beg to the Home Member and all Members of this House to help the poor agriculturist. I know the Government have their own difficulties. Great Britain has its difficulties. Let us all join our heads together and help each other to arrive at a lasting settlement. I know the storm is raging all round. I know these are hard times. The storm, I believe, will pass away but take care that the back-bone of India, the agriculturists are not killed. With these words, Sir, I support the Resolution. (Loud applause.)

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) :
I have been trying in the Legislature since 1922 for some measure which might give relief to the debtors from the hands of the creditors, but unfortunately I have not succeeded up to this time in making the Government see eye to eye with me and give relief to the millions in India who are suffering on account of their policy, which is the cause of the real

[Mr. Muhammad Yamin Khan.]

ruination of India. The policy of Government is telling against them in every village in India. All this excitement against the Government is due to the distress which the people are feeling on account of this wrong policy of the Government in allowing the accumulation of interest, which should not have been done. Up to 1855, the law in India was the Hindu law of *damdapat*, under which interest was not allowed to accumulate more than the principal, but in 1855 the East India Company brought a law in India at a time when there was no Indian in the Council to advise the Company. They introduced the system which had come into force two years before in England, which allowed the interest to accumulate to any amount. The result was that the creditor allowed the interest to accumulate to any extent he desired, with the result that the system has brought misery to thousands and thousands of zamindars and to every cultivator in India without any exception. Every cultivator in India has suffered at the hands of money lenders and big families have dwindled away. Why? Because the British Government allowed this policy of accumulation of interest. Let the Government clearly understand that the misery of these people has been brought on them by the British Government. However loyal they may be, they can never be real supporters of Government, so long as they feel the pinch in their heart, if Government continue in this wrong policy. I have given them advice for the last ten years and I give the advice today. It is not too late yet. Government must mend their ways. Every time I moved my Bills in this House and in the other House, I was opposed on the ground that the Bombay Government did not support it. I know, Sir, that when I moved a Bill in the other House in 1925 (*An Honourable Member* : "Which other House?")—in the Council of State, I was supported by all the zamindars and all the elected Members in that House but I was opposed only by the officials and a few nominated non-official Members. (*Mr. B. R. Puri* : "And still you side with them?") I warned the Government the second time when I introduced the Bill that if they opposed my Bill, grave responsibility would lie on the Government and not on the non-official Members because all the latter were supporting my Bill to fix the rate of interest and to amend the law according to *damdapat*. But since 1925 up till now other Bills have been blocking the way for me to introduce some such measure and I could not bring it up, although one Bill of Mr. Kelkar was there in the same shape as that which Sir Muhammad Yakub had introduced in the last Assembly. Now an opportunity has arisen for Government, at a time when the country is getting towards Bolshevism, and they must take proper action at the proper time. Let it not be too late now even. I know some money lending classes may not be willing to have this law, but they must know that the people in the villages are not so much against the Government as against the money lenders, and the fate which they will soon have by the rise of the population against them will tell tales which will not be very pleasant to hear! They must come to relieve those people. They must agree to go with the times. The time has come when the agriculturist will have the greatest vote in the House, and let them not continue to do anything which will provoke unpleasant consequences. (Hear, hear.)

Let the higher and the richer classes, who are adorning the seats of this House today, come forward to amend the law in such a way that the people who will come here in future will not entertain any grudge against that law, and this is the time when you have got the opportunity today to

make the law in such a way that you will not have to repent after three or four years. Sir, I will add only one example to those given by Mian Shah Nawaz in his speech. I will give one example which I got when I moved my Money-lenders Bill in this House in 1922, and that was a report in the paper of that very day which I got in the *Pioneer*, reporting an Allahabad High Court case wherein a decree was passed in 1922 against a zamindar of Aligarh who had got only Rs. 400. The decree was passed—the House will be surprised to know—for Rs. 3,67,000. A decree for Rs. 3,67,000, in respect of Rs. 400 which the man had borrowed, that brought ruination to his whole family in the Aligarh District. And still it is alleged that the Usurious Loans Act of 1918 is sufficient to cope with the situation. I say no, because if Honourable Members will come and see the District Courts' decrees as they are passed every day, that will convince them in one day how badly this Usurious Loans Act of 1918 is worked. In what way, Sir, are the decrees passed? I have gone in my capacity as a lawyer to defend many cases in which I found about 18 or 20 times the original sum borrowed has been allowed by the Judges. These are not solitary cases but many such cases are happening every day. If an investigation is made to find out from each district what was the amount which was lent and what was the amount for which the decree was passed, that will convince you at once that the case in support of the Resolution of my Honourable friend, Sir Muhammad Yakub, is very strong, and that the Government will be guilty of lethargy if they sit quiet and not take action at this stage. With these words of advice to the Government. Sir, I support the Resolution.

Mr. R. S. Sarma (Nominated Non-Official) : Mr. President, my justification in taking part for one or two minutes in this discussion is only because the Indian Press has taken a good deal of interest from time to time in the motion of my Honourable friend, Sir Muhammad Yakub. I have also to congratulate myself on the good fortune that I have had an opportunity to speak on a non-controversial motion. I want to give my whole-hearted support to the motion of my Honourable friend (Hear, hear), because I do not think, Sir, that any reasonable man can withhold his support from so modest a Resolution. But I am sure the Honourable the Mover will accept the very sound advice which the Honourable the Home Member gave the other day, namely, to wait until he has had the opportunity of hearing from the various High Courts and other institutions about the working of the Usurious Loans Act. Then, Sir, the Members of the House will have an opportunity of testing the evidence and having the considered opinion of people who have a right to speak on the matter. All the same I think, Sir, that some action has got to be taken immediately, because the way in which money is being lent to agriculturists and to other people and the high rate of interest to which reference has been made has become a perfect scandal. I do not know of other provinces, but speaking for Madras, I know that there are two particular classes of people there—the Natukotai Chetties and the Vathimar Brahmins—whose sole business is to lend money and to lend money at an interest of not less than 48 per cent. ! And not only that, some of them give Rs. 100 and generally take a document for Rs. 1,000 (Laughter) ; and we have got any number of cases of that description, and the Government and the public should not allow a state of things like that to go on any longer.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Do you practise money lending ? You also are a Madras Brahmin ?

Mr. R. S. Sarma : No, Sir, but I very often borrow, and I have experience of how this is conducted ; and therefore, Sir, I honestly feel that the time has come when these vampires who suck the blood of innocent people ought to be taught a lesson, and some action should be taken against these money lenders who can be rightly characterised as a public danger.

Shaikh Fazal Haq Piracha (North West Punjab : Muhammadan) : Sir, among the items of business that have come before this House for consideration in this session, the Resolution moved by Sir Muhammad Yakub, which is now under discussion, is of vital importance, as it concerns a majority of the Indian population consisting of the poor cultivators, labourers, and artisans, who are generally debtors to the money lending classes in India. Since the time the Resolution was moved, I have been hearing with very great attention the speeches that have been made from different sections of this House. During all this time I was looking forward to a gesture on the part of the Treasury Benches indicative of a desire to at least safeguard the just rights of the dumb millions. But I must say that I was sorely disappointed to hear the eloquent speech of the Honourable the Home Member. The Honourable the Home Member I am constrained to say has, by withholding his support, exposed the Government to the charge of failing in their duty, and a leading Member of the Nationalist Party, by opposing the Resolution the other day, has proved that the suspicions of the minorities, that their interests will not be protected under Swaraj, are well founded.

Sir, I congratulate the Honourable the Mover of the Resolution for having given a right lead, and I make bold to say that the legislation suggested by the Resolution has long been overdue, and that the Government by accepting the Resolution will be filling a serious void in the Statute-book.

If we trace the history of the profession of money lending, we find that all nations, irrespective of their ethical beliefs, did condemn usury and did legislate with a view to regulating the dealings between the debtor and the creditor. The Hindu legislators of old took the lead and laid down the rule of *damdupat* under which a creditor could in no case charge interest more than the principal. The rapidity with which this rule was enforced is chronicled in the pages of the history of Hindu civilisation. In the West the tenets of Roman law styled the charging of usury as an act of impiety and made Herculean efforts to stop it. The Jews, who were the chief money-lenders, were despised by all and even up till now the very word "Jew" signifies a degenerate man. Under Islamic usury laws are very clear and very strict, having all sorts of usury as *haram* (prohibited). So far as I remember, in England laws were passed long ago regulating the dealings between the borrower and the lender. But it is a pity that so far the Indian Legislature has done nothing in this direction. Many years ago the Indian Legislature recognised the principle, which has prompted the Mover of this Resolution, by placing in the Statute-book the piece of legislation styled as the Usurious Loans Act. But it is unfortunate that the language of this enactment has been construed by the different High Courts in a manner so as to make it a dead letter. The High Court of Lahore has in a Division

Bench ruling laid down in clear and unambiguous terms, that the provisions of the Usurious Loans Act cannot be invoked so long as the debtor cannot prove a clear fraud on the part of the creditor, and so long as the terms of the contract are not unconscionable. The learned Judges however forgot that if fraud can be established the entire transaction, and not merely the terms as to interest, is to be set aside.

I understand that some time ago the Punjab Government made inquiries about the manner in which the Usurious Loans Act was being interpreted and enforced. The House will be indebted if the Government is pleased to lay that information on the table. So far as my information goes the information so gathered is to the effect that the Usurious Loans Act is a dead letter. Sir, I cannot say what is the condition of the debtors in the other provinces, but so far as the Punjab is concerned I must say that the money lenders are so mercilessly exploiting the zamindars and other labourers that in many cases the latter prefer death to their existence under existing circumstances. The zamindar and the labourer earns to fill the coffers of the money lender, while he himself, his wife and his children are denied the barest means of subsistence. The zamindar's life is that of toil and moil. He ploughs his field, waters it, then sows seed therein, and day and night protects the crop against human and animal depredations. In harvesting the wheat crop he bears on his head the scorching mid-day heat of the months of June and July and his shabby clothed body shivers during the freezing cold of December and January nights when he is either cutting the sugar-cane crop or pressing in the sugar-cane press. All this while, the money lender is either having a nap under a *punkha*, or is enjoying the cozy warmth of his bed. But when the crop is harvested, the money lender darts like a bolt from the blue, and takes away the entire produce before the poor *kisan* has fully pleased his eyes with fruits of his labour. The money lender has taken away all the produce towards a partial liquidation of a debt of Rs. 50 raised by the great-grandfather of the present zamindar. This story has been repeated every year ever since the debt was raised, but still the debt stands, because the yearly produce has always been taken away towards the payment of the interest which was charged at the rate of 300 per cent. Perhaps some Honourable Members may consider this as an exaggerated account of the real state of affairs. But I assure them that it is so. Let any Member, who thinks like that, go to the court dealing with money suits and the whole situation will be clear. I have in fact no intention to relate the harrowing tales of woe under which the poor debtors pass their days or I would have shown in detail how the poor people are being exploited. Go to any village in the Punjab and you will find that the money lender who now owns lakhs is the son or the grandson of a man who came to that village 20 years ago with barely ten rupees in his pockets. The question arises, did they possess the Aladdin's lamp through which, while the entire village body has been reduced to a state of extreme poverty, the *sahukar* has amassed a fortune? The answer is simple. The *sahukar* who invested Rs. 10 in money lending has been putting such hard terms regarding interest that the present state of affairs is the result. I come from a district where not long ago the zamindars were known to be in opulence, but now they are bankrupts simply because they had the misfortune of falling into the clutches of the money lenders who have sucked their very life blood. It is not possible for me, during the course of this speech, to refer to the different

[Shaikh Fazal Haq Piracha.]

tricks that the professional money lender plays to relieve his unfortunate victim of all his belongings. I will only say that no dodge is too mean for him. The thumb impressions of illiterate men are taken on *bahis* and other documents by a thousand pretexts, and the courts, unsympathetic as they are towards the poor, have no inclination of sifting the truth. I have in my possession some photographs of *bahi* leaves from the file of a Civil Court in proof of my assertion, but it is a pity that I forgot to bring the same with me when I came here. Blank leaves of *bahis* contain the thumb impressions of illiterate persons and in some cases the *bahi* entries are stamped, thumb-marked and witnessed, but the amount alleged to have been advanced is not mentioned and sufficient space between the other writing is left to enter any sum therein at the time of filing the suit. Do my Honourable friends who are opposed to this Resolution approve of this state of affairs? If not, what hitch is there to remedy the evil?

An Honourable Member remarked the other day that the money lending class is a great necessity and is very useful. I agree with him, but surely there must be a check on the vagaries of the money lenders. Fire and water are essential and useful for human life, but when uncontrolled, these very boons of nature prove the worst curse. Similarly, the institution of money lending is a great asset, but its working must be controlled by the State. Some Honourable Members might say that the Legislature should not interfere with the public's right to freely contract. If two men of equal mental development enter into a contract, surely the terms should be respected. But this argument does not apply to a case where a shrewd money lender is ranged against a simple illiterate zamindar. Shall we believe that the Indian Contract Act has not placed any limitations on the public rights to freely contract? Is it not against the public policy that a great majority of the earning public should be deprived of their hard-earned bread by a few unscrupulous Shylocks?

Sir, the Honourable the Home Member in his speech the other day, if I do not err, remarked that the Provincial Governments should be moved to take action desired in the Resolution, and very kindly promised to refer the matter to the Provincial Governments. In saying so, does the Honourable the Home Member mean to say that the regulation of interest does not fall within the scope of the civil law which is a Central subject under the Government of India Act? Then again, did the Government of India, I mean the Imperial Legislature, not mould the Usurious Loans Act? Surely regulation of interest is a Central subject and the authority which promulgated the Usurious Loans Act is competent to pass another law of the same kind.

Sir, as I said in the beginning, legislation on the lines suggested in the Resolution has long been overdue and the eyes of the entire zamindar population and other debtors are rivetted on the proceedings of this House. If this House wishes to retain the confidence of the public it must adopt this Resolution, otherwise we will be proving the truth of the allegation that, everything is meant for the rich and the clever and that even the law of the land is intended to help them in looting the poor and the illiterate. Mind you, if you fail to protect the agriculturist and the labouring classes,

1 P.M.

you will be wiping off a class, which in the words of Goldsmith, will never be recreated, although the gentry can be created by a breath of the Sovereign.

Before I close, I wish to strike a note of warning. The poor debtors have been driven to desperation and I am afraid that too much oppression on the part of the money-lenders, who enforce these unconscionable terms, by the help of the British bayonets, may not result in producing in India the scenes of the French Revolution. In fact the murders of several money lenders in the Punjab during the last few months are an index of the state of affairs. If the Government do not protect the poor people, the latter will have to resort to other means to demonstrate the truth of the proverb *Tang amad bah jang amad* : I hope and pray that better counsels may prevail and avoid calamitous happenings, that are brewing under the thick clouds of the money lenders' oppressions.

It is a misfortune that often times communal prejudices stand in the way of dealing with questions of vital importance properly. I appeal to the Honourable Members to consider the Resolution dispassionately on its own merits. There are Hindu money lenders as well as Mussalmans and Sikhs. The Resolution does not exclude any from its operations, and it is certainly a very distorted interpretation which can class it as a communal measure. All that the Resolution aims at is to make an effort to save the poor debtor class from the tyranny of the money lender, because the poor have much claim to seek protection from the law of the land as the rich.

Let us show to the world that we are fit to safeguard the interests of the dumb millions, and let it not be said that at a time when the champions of the Indian cause were fighting for their rights in England, those responsible for the making of the law for the good government of the country were oblivious of their duty to the poor and the oppressed, but aimed at establishing a government in which the good of the largest number was the goal.

Mr. Nabakumar Sing Dudhoria (Calcutta Suburbs : Non-Muhamadan Urban) : I rise to oppose the Resolution of my Honourable friend, Sir Muhammad Yakub. I am really astonished that such an unusual and unpractical Resolution should emanate, of all persons, from a lawyer.

Sir, quite probably moved by the widespread agricultural distress in the country he has brought forward this Resolution. But the mode he proposes to adopt for the amelioration of the situation is, I should say, quite unwise and absolutely unreasonable. I wonder whether the Honourable the Mover is in possession of any precedent of any other country in the world where they have restricted money lending in the way he proposes. (*An Honourable Member* : "England.") I would respectfully ask him how the Government can effectively initiate legislation to control money lending, or for the matter of that, control unrestricted usurious rates of interest between private individuals unless there is positive proof of undue influence, coercion or fraud on the part of the creditor. Money lending is a transaction between private parties, and naturally between adults on both sides. One party in the transaction requires money to feed his business or carry on some urgent private expenses. Such a party approaches another party who has surplus money or who is anxious to lend it out. But the party having the surplus cash will not part with his

[Mr. Nabakumar. Sing Dudhoria.]

substance to the party needing it unless the latter accepts the terms of interest which the former proposes to him. Then the party in need has either to close with the terms proposed—(Let us take for granted that those terms are excessive, exorbitant and unreasonable),—or forego the chance of getting the money which he requires so urgently from the other party. Can the Government profitably interfere in such transactions? Can the Government compel the creditor-party to part with his money at a rate of interest or on such terms as will be acceptable to the other party? Supposing the Government prescribe a rate of interest beyond which a creditor will not be allowed by law to charge. The result of such legislation will be that persons having money in their hands will sit tight over it and would rather not lend it out lest they might come within the clutches of the law. What will be the consequence of such a state of things in society? The consequence will be that all business whatsoever will be entirely suspended; for no business in this world can be carried on without capital or money. Business people, however great their credit may be, often get into such a position as not to have any surplus cash in their hands. Borrowing must then be resorted to by them, as trades and industries in order to be carried on properly need funds. But if the State is to dictate on what terms private borrowing and lending should be regulated, both creditor and debtor will resort to subterfuges to avoid the provisions of law in order to achieve their ends. I shall quote some instances as to how that will be affected. Supposing it is interdicted that no creditor should charge 25 per cent. interest and monthly rest for money lent out on a promissory note, a business man, who is placed in a desperate financial situation, will fight shy of these legal provisions and will agree to take the loan on the terms which his creditor will impose upon him, *i.e.*, 25 per cent. interest and monthly rest. What the former will do is to give to the latter a solemn oral undertaking accepting all the former's terms but writing in the promissory note in favour of his *mahajan* only such terms as are acceptable to the law for the time being. The debtor will strictly keep to his word and fulfil his undertaking either in greatfulness or lest he should not be able to get such a loan in future when in a similar plight. Even if the borrower turns perfidious to his undertaking and puts his creditor to trouble over the terms, he will have much ado to prove his case, as so far as the promissory-note in the case is concerned the law has not been transgressed. He actually runs the risk of taking all the proofs upon himself and also the risk of getting no accommodation for the future from the same party, or for the matter of that from any other *mahajan* by reason of his act of bad faith.

It is for these reasons that the Resolution seems to me quite impractical and extremely unwise.

If my Honourable friend has taken his inspiration from the recent Punjab Provincial Council Act restricting exorbitant rates of interest, I may tell him that the result of such legislation has been quite prejudicial to the development of business in the present state of trade depreciation in that province. Much of the wheat slump is indirectly due to that unfortunate measure, and I am informed that clever subterfuges are often resorted to by both creditor and debtor to avoid the provisions of the Act.

If my Honourable friend means business and wants to improve the agricultural outlook, he had better devise other ways and means. He should attempt to establish agricultural banks, investing his own and other similarly minded friends' fortune therein and lend out money therefrom at reasonable rates of interest and thus earn the gratitude of all concerned. With these words I oppose the Resolution.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

MESSAGE FROM HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL.

Mr. President : Order, order. I wish to read out to the Honourable House a Message which I have received from His Excellency the Viceroy :

(The Message was received by the Assembly Standing) :

" In exercise of the power vested in me by sub-rule (2) of rule 22 of the Indian Legislative Rules, I, Freeman, Earl of Willingdon, hereby disallow, on the ground that it cannot be moved without detriment to the public interest, the motion of Sir Cowasji Jehangir for the adjournment of the Assembly for the purpose of discussing the pronouncement of the Secretary of State for India at yesterday's meeting of the Federal Structure Committee in London with special reference to the exchange ratio.

(Sd.) WILLINGDON,

Viceroy and Governor General."

SIMLA,

22nd September, 1931.

RESOLUTION *RE* CONTROL OF MONEY LENDING AND RATES OF INTEREST—*contd.*

Mr. President : Further discussion on Sir Muhammad Yakub's Resolution.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands) : Sir, we have listened to a very important debate this morning on a Resolution in which all parts of the House seem to have taken a very keen interest indeed. The debate has been for more reasons than one very interesting. Firstly because it deals with a subject in which not only all Governments from time to time but also all political parties from time to time have taken very keen interest. It has also been interesting because the part taken therein has been by men of considerable substance, not belonging to the debtor class, from the Nationalist Party Lala Hari Raj Swarup, representing the landholders of the United Provinces, made a very valuable contribution to the debate, a thoughtful speech, well prepared, well conceived and well delivered. He made constructive suggestions for the consideration of the House and presented a very well reasoned case for undertaking some legislation. He at the same time realised that there were considerable difficulties in the way of doing something immediately. He also pointed out that legislation was

[Sir Fazl-i-Husain.]

necessary, but legislation did not invariably succeed in achieving what it set itself to achieve. Then it was also interesting because it was not a one-sided debate. All who spoke did not speak for the debtor only. I was very pleased to hear more than one Member speaking on behalf of the creditor class, pointing out how very essential in the economy of rural life, of rural construction, the money lender was bound to be. Therefore, Sir, I may say that the debate on this important Resolution has been conducted on a pretty high level, and the House may well congratulate itself on having discussed with enthusiasm and yet with dignity a Resolution which might excite a great deal of feeling on either side.

Now, Sir, although I have myself been identified with rural interests in my own province, and although in this very hall five years ago, a Money Lenders' Bill, connected with the Regulation of Accounts Bill of the Punjab Legislative Council, was discussed for many days,—and I had to take a fairly prominent part in it,—the experience gained has enabled me to see both sides of this very difficult question. Now, in this Resolution two suggestions have been made, one with reference to controlling the operations of money lenders and the second for controlling the rate of interest. With the first of these two questions I may say I am fairly familiar. That legislative measure (I have referred to) was initiated by a private Member in 1922, I believe, after the English Money Lenders' Registration Act. It went on for two or three sessions and we discovered that it was extremely difficult to register all the money lenders in the Punjab. They would not have it; it was not in the best interests of the province. Then it developed into an attempt at creating some sort of assumptions in favour of the debtor, that is to say, the creditor was to prove definitely that the amount mentioned in the bond or in the account book was actually lent. We found considerable difficulty in eventually adopting that suggestion either. After many efforts at finding a suitable provision to help the debtor class and yet not to injure the lending class, we found that all that we could really attempt was to make provision that keeping of accounts was regulated. That does not sound very pretentious—regulating keeping of accounts, but really it is the pivot on which the whole case for the debtor rests. It has been said that large sums are deducted by way of interest before the money is lent. It has been said that there are signed documents quite blank to be filled at the discretion of the money lender as he likes. Well, Members of the legal profession, who have occasion to see possibly the good side of human nature, certainly the shady side of human nature, know that these allegations are not altogether unfounded. And yet it cannot be said that this opinion is a sufficient justification for the view that there shall be no money lending class. As a matter of fact, it is impossible for the rural people to get on without the help of the money lending class. It may be asked, "Oh, why have a money lending class, why not have co-operative banks; they ought to meet all your needs, why not have large banks in different centres of agricultural activity?" Well, Sir, I am afraid neither of these two can be found to be practicable. These serve a very useful purpose, but the man in the field waiting for the monsoon to materialise, as soon as rain comes, immediately wants to sow the seed. He wants money to buy the seed, and unless he has the seed or the money within two days, it will be of no use for that particular crop. How is he going to get that? To say that there ought to be a co-opera

tive society in every village is no doubt a great ideal. I wish we could reach it; one could say there ought to be a bank in every large village. That again is an ideal which we cannot expect to reach very soon. And in the Indian villages a *sowcar*, a banker or a money lender combines in his person more often than not more professions than one. Money lending is not his sole business; he is also the provider of the needs of the village community in the matter of general stores; and in some places, he is also a cloth merchant. When he combines so many professions, he is able to make both ends meet and save money. Therefore, this money lending, one might say, is a by-industry, a subsidiary industry along with ordinary shopkeeping. That is why he is able to do it very cheaply. I am afraid in course of time when we have developed secondary education to a great extent the economical old type of *sowcar* may disappear and his place may be taken by his comfort-loving, aspiring-to-live-well grandson, and then you will find not only the zemindar will be poor, the agriculturist will be poor, but the banker-*sowcar* will also be poverty-stricken. Therefore, when Members come and urge, here are such and such money lenders; they came into particular villages practically penniless, with perhaps a hundred rupees or so; and now, they have developed their business and their capital runs into lakhs,—well, they must remember that those are exceptional cases and cases of men who exercised wonderful self-restraint, who also, though possessed of money, have got habituated to a standard of living much below their capital or their earnings. These are things which are soon to become things of the past and neither of the present nor of the future. Therefore I venture to suggest as regards the suggestion of controlling lending of money that it is a subject which can only be dealt with suitably and adequately in a provincial Legislature. The Report of the Indian Banking Enquiry Committee, to which reference has already been made by more speakers than one, has mentioned with flattering observations the measure which was passed by the Punjab Legislative Council, and has suggested that other provinces might as well try and examine to what extent a similar measure will be suitable for them. Therefore, if I may so suggest, perhaps the Honourable the Mover will see that that part of his Resolution is undoubtedly going to be examined by that Department of the Government which will deal with the Banking Enquiry Committee's Report and no doubt will do what it can in that direction.

As regards the controlling of interest, I was very much impressed by what was said by the Honourable Member from the Punjab, Mian Muhammad Shah Nawaz. I believe his argument as to the rulings of the High Courts was very strong, and yet what was his proposal? It was that a maximum rate of interest should be fixed by legislation, beyond which no lender can charge more interest and no debtor can agree to pay more....

Mian Muhammad Shah Nawaz : That was in the alternative. If you cannot do it, then amend the law.

• **The Honourable Khan Bahadur Mian Sir Fazl-i-Husain :** Well, now, as regards amending the law, he did not say it should apply to a particular class of borrowers, and I do not see how reasonably it can be expected that it should apply to all. Take the case of the man who has not earned his property but has inherited it, and as happens in many cases, having inherited it, he proposes to get rid of it, and not having cash he wants to borrow. Well, why should in the case of that man, who is keen upon getting rid of the property that his poor forefathers had collected, and who has made up his mind not to keep it but to get rid of it—he cannot borrow

[Sir Fazl-i-Husain.]

money at the statutory rate. Is there any justification for the State to say that the man of that type who has made up his mind to go to the dogs, should not do so ?

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Why is an attempt to commit suicide an offence ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Committing suicide is an offence because it is an extreme measure, but if my Honourable friend makes up his mind to commit suicide piecemeal, I wonder whether he will find any law standing in his way. Does not my Honourable friend realise that it is not a criminal offence to drink oneself to death ? However, not to go into side issues, I think it will be recognised that while in many countries efforts have been made to legislate for a particular rate of interest as the maximum, it has always been done with reference to a particular class of people and not for everybody. I was told that in the case of certain agriculturist classes it has been done in some places. But I again urge that you cannot legislate for all classes and lay down particular maximum rates. Whether you can or not, to my mind it is a matter which would require very careful consideration as to whether it is possible under the existing law, with such directions as the High Courts may be pleased to give, some relief or other can be obtained by the agricultural class of debtors only.

It has been asked, why has the law been invariably interpreted in a way which might be considered to be prejudicial to the case of the debtor ? That is not very difficult to explain. All laws are essentially conservative, and courts of law rather go by precedent than by the various slogans for reform or advance. Keeping in view the juristic principles of old, every court of law says, this particular law is at variance with those principles or is a trespass on those principles, and therefore must be interpreted strictly, and in that strict interpretation the object of the framers of the law is to a certain extent defeated. That I suppose has been the case in all countries and it is not unexpected that it should be so in the case of India as well. Still, that is no justification for our being inactive. We ought really to try and see whether something cannot be done in that direction. My own view has been that in most cases the courts of law have not been able to interfere because of the absence of requisite data on which to come to a conclusion that the transaction is vitiated by the inequality of the parties at the time the contract was actually made. Here is a bond executed, say, a few years ago. That is the last bond, and why should the court go behind it and even if the court tries to go behind it, it will not have the requisite material for it. If regulation of accounts is taken seriously in hand, there will be a continuous series of accounts between the debtor and the creditor and that will, I believe, enable the court to come to a decision whether at any particular step the creditor has over-reached the debtor. Therefore, is it not possible that the regulation of accounts may supply the data which courts of law need in order to reduce the rates of interest in particular cases ? I think, Sir,—the House will permit my saying so—that in view of the impending political changes, the attention of every one of us, whether Members on Government Benches or Members sitting opposite, is naturally attracted towards the welfare of the future rulers of the country, I mean the masses in rural areas. With their enfranchisement, which is bound to happen,

their interests will come to the forefront and it is undoubtedly wise on the part of the Honourable Members to take time by the forelock and begin doing something before they come in and try to do things perhaps much more rapidly than might be advisable. For that reason alone, there is, I believe, agreement between this side of the House and that side that no step should be left untaken, no suggestion left unexplored in order to arrive at a decision which will help us to bring the case of the rural classes within the possibility either of legislation or otherwise granting relief to them. I trust Honourable Members will realise that that is the extent to which the Government can at present go. They are ready, as the Honourable the Home Member in his speech made clear, in the matter of regulation of accounts to invite the attention of Local Governments to it. As regards the interest question, already he has taken steps to obtain the requisite data from the High Courts to see to what extent proposals for amendment of the Usurious Loans Act can be examined and if necessary amending measures adopted. I am sure all of us are under an obligation to the Honourable the Mover of this Resolution for having taken great pains to collect all the data that he did and for making a very convincing and very able speech, and he was ably and strongly supported by Members from different parts of the House, and I trust what little I have been able to say has been also in the same direction. Is it necessary for us to go any further today? That is a question which the Honourable the Mover can decide.

Mr. B. E. Puri (West Punjab : Non-Muhammadan) : Sir, I have listened with very great attention to the very able debate which has been conducted in the interest of the agricultural classes, but I regret that I cannot endorse the arguments which have been advanced by the learned Mover of this Resolution. I note that it has become more or less a fashion to run down the class of money lenders periodically. Whenever there is no better subject to engage our attention, we revert back to this pet subject of maligning this class. By the way, I am not a money lender, nor do I hold a brief on their behalf. (Interruptions.) With the permission of the House I would like to deal with what I call the practical side of the question. As to the theory we have heard the most elaborate arguments and we have been treated to some very interesting statistics and the comparative law which prevails in various other countries beyond India. That is all very well so far as it goes, but I will put most seriously before the learned Mover a practical case, and would expect a business-like practical answer from him. Here is the case of an agriculturist on whom the Government demand is being made. He is called upon to pay a large amount of money which is due from him as land and water tax. Or say the wedding of his daughter is forthcoming and he needs money. Or again, say his son is involved in a murder case and he needs money to defend him or it may be to pay a bribe to the police officer. It may be one or the other, only one is legitimate and the other is not. And suppose in all these cases he has not got the money. What would you advise him to do under the circumstances? He knows that he cannot put in his petition in the Imperial Bank or for the matter of that in a co-operative bank. He needs the money immediately, as the Honourable the Education Member was pleased to concede. In these circumstances, is there any course open to him but to knock at the door of the money lender? The only other course for him is to go and commit burglary or dacoity. He cannot beg and he cannot borrow and the only other alternative left is to steal. In these circumstances

[Mr. B. R. Puri.]

the money lender is the one person who accommodates him in time of his dire necessity.

You can make your law that, beyond a certain limit, nobody would be permitted to charge interest, and such laws are already on the Statute-book, but you cannot make a law compelling people to lend money, if they don't want to. It requires two to make a bargain. It is generally the debtor who has got the greater necessity. It is he who in the first instance goes to seek for a loan. The money lender simply sits tight. There can be no conceivable law which can compel him to lend money, because that will be pure and simple Bolshevism. The money lender can very well say, "If I lend my money, these are my terms". This is the practical side of the question. This man is perfectly within his right in saying that, "My money will not go out of my pocket unless the man who borrows it is prepared to pay a certain amount of interest". The borrower has no other course left and he has got to decide whether he will borrow on those terms or not. Well, Sir, if he chooses to borrow the money at that

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moment of necessity, what immoral act has the creditor committed, and what justification has the debtor to come forward at a later stage and say, "Here is the rascal who accommodated me when I badly needed the money. These were his terms; I well understood his terms; but although I am in honour bound to pay back the loan, still the Court might come forward, law might be twisted to help me to slip out of this obligation which I myself helped to create". Is that moral, Sir?

Sir Muhammad Yakub : Most certainly.

Mr. B. R. Puri : My Honourable friend says that it is moral; in that case his definition of morality materially differs from mine and I will leave it at that.

Again, Sir, let us pursue this question a little further. And examine it from a purely practical and business point of view. We should endeavour to find out what are the real causes which have made the agriculturist a permanent victim of such borrowings, because, after all, that is the real question. Why should he be under the necessity of always going about borrowing? Sir, it was pointed out only the other day, if not by the Honourable the Mover, by some other Honourable Member, who said that the lot of the agriculturist in this country was that he borrows from the day he is born into this world until the moment he departs from it. Sir, in a season of prosperity he is a borrower; in a season of adversity he is a borrower! Is it therefore not up to us as honest people to find out what are really the causes at the bottom of this? What is the real cause of this phenomenon? Why should a particular class of people be always under the obligation to go about and knock at the door of any one who can lend them money? Surely that is the real question, and I submit that if an investigation in that direction were to be made, it might disclose that, after all, the real cause is that he is over-taxed. I am not accusing the Government at the present moment that the agriculturist is as a matter of fact over-taxed, what we do know is that he is not in a position to meet his obligations so far as the Government demand is concerned, and in fact the very next Resolution on the Agenda I believe is intended to secure for the agriculturist some sort of exemption or relaxation from the land and water taxes of the Government. Well, now if it really turns out to be true that the present plight of the agriculturist is mainly due to

his being over-taxed, then why beat about the bush, why not call a spade a spade, why not relieve that wretched man from that obligation ; why not relax the Government demand, instead of trying to fix an imaginary blame on another class of people, whose only fault is that when money was needed by the agriculturist, he accommodated him ? Is it not the case all the world over that the creditor dictates his terms and not the borrower ? Sir, there is a touch of humour in this Resolution, that instead of finding out the real cause, you are trying to get hold of a class whom, if you look at the question from a business or a moral point of view, you cannot justly accuse of anything. If the investigation is pursued further, it will show that the agriculturist as a class, being ignorant and uneducated, have not learnt the elementary rules of thrift. And not being thrifty, they suffer from *over-living* and perhaps I might add from *over-marrying* also. Sir, I know that in my own province in a season of prosperity when the harvests are good, when everything is plentiful, the average zamindar, finding himself in good circumstances, forthwith proceeds to celebrate one further marriage in addition to what he has got already. I know, Sir, on one occasion I happened to visit Waziristan—I do not see my Honourable friend, Mr. Howell, across the floor—when he used to be the Resident of Waziristan, and I learnt a very good lesson there which I think it might be useful for me to mention here for the benefit of the House. The Waziris as a class are a stalwart, bold and fierce people. They carry their lives on the palms of their hands, and they are willing to be murdered, and they are ready to murder anybody at any time. Their normal profession was loot and dacoity until the British went there ; and the policy which the Government followed was that the contracts of constructing the roads and the military buildings were given to the Waziris rather than to any other class of people, who went from India, who were debarred from taking these contracts, and thus those Waziris, who were hitherto mere professional dacoits, came into a lot of money and hardly knew what to do with it. With these contracts thousands, in fact, lakhs of rupees went into their pockets, and that made them all luxurious, lazy, indolent, and it was a pitiable sight to see as I did, having travelled on that road 80 miles from Razmak and Bannu, big stalwart Waziris, who were capable of committing a dacoity at night and reaching their homes back 50 or 60 miles in the course of 5 or 6 or 7 hours on foot, standing on the road-side hailing every motor car to give them a lift in order to accomplish a distance of three or four miles. That is the great change which the artificial wealth, this windfall, produced in them. On further inquiries, I found that these Waziris had now acquired the habit of buying Lipton's tea in the bazaars and putting on neckties. Sir, all this was absolutely artificial life ; they began to live on a higher standard, a sort of life which was not natural to them. Now after the roads were all built and after the houses were all completed and no more money came into their pocket, they have in the meantime acquired expensive habits which they now find it difficult to get rid of. This is precisely the case of agriculturists who not being thrifty cannot make the best use of their seasons of prosperity. Their ignorance is appalling but I do not blame them, because the Government which is primarily responsible for educating and enlightening them has failed in that duty...

Mr. President : The Honourable Member's time is up.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : It is all a cock and bull story. (Laughter.)

Mr. C. Brooke Elliott (Madras : European) : Sir, we have here in our group a practical agriculturist. (*Mr. K. Ahmad* : "Hear, hear.")—Not there, but here! My Honourable friend could doubtless make a good contribution to the debate but I venture to make it on his behalf. He has much practical agricultural experience in Rajputana. Sir, if I may say so, we are so far only discussing a single symptom and not the root cause of the disease. The money lender is not the disease, he is a symptom ; and as long as you try merely to deal with the symptom, you may cure that symptom but you are not curing the disease. Now, the real difficulty first of all is this : you can try and try again, but you will never define "usury". Now, if you cannot define usury how are you going to define a usurer ? The only description you can give of usury is the rate of interest that will be charged to a man of poor credit. Now, if a man has no credit, the risk to the usurer is greater and he must pay more. I should say that the odds increase in the inverse ratio to the degree of credit that the person has. Now, Sir, the real disease in India is the lack of credit, and the one thing that all Honourable Members should try to do is to create credit, in which case the usurer will disappear. You will not drive him out by legislation. That was tried in every country. Even Moses has led practically to the whole of the Moses family very largely indulging in earning their living by usury. And what you do want to create in this country is to create credit. In the past various methods of legislation have been tried. The judgment given by an English Judge, I think in Allahabad, is exactly the same judgment given by another English Judge in England. He has only to administer the law which he did not make and he has to follow the case law. I have practical experience that the moment you get on to words like "harsh and unconscionable bargain", you are carried away in an air of ideas and you have to try and precipitate them to stubborn facts. If it were possible to have some kind of patriarchal justice by which the money lender—the spider—and the agriculturist—the fly—could be brought before some person without having evidence on oath and Counsel and all the rest of it, it might be possible for a man who knew the country and the people to say, "You say you paid this man so much ; that is all rubbish, you gave him much less and you might reduce it". But, Sir, the moment that was done, all the profession including myself would say, "Oh, no, you must have evidence duly recorded", and there would be cross-examination and re-examination and re-cross-examination and cross-re-examination and so on. And the moment you do that, the remedy becomes worse than the evil because what little the man could get before the enquiry started he will not get after it. A friend of mine once asked a lawyer in England, "What is the difference between common law and equity ?". The reply was, "In common law they keep all you have got, and in equity they get all you keep !" (Laughter). So that when you treat the symptoms the doctor's bill—in this case the lawyer's bill—only increases.

There is a method in this country which has worked very well and I am sorry that some of the Collectors, as we call them in Madras, and the Commissioners, as you call them up here, have not told us something about how the co-operative credit societies work. My Honourable friend here says that the only thing he has seen as a practical measure of relief and as a practical treatment of the disease is to create healthy credit instead of leaving the money lender to create unhealthy credit. And if only we could get these co-operative credit societies put upon a wider basis and if

we could only educate the people, as I think Mr. Brayne in Gurgaon started to educate, in the real sense, the peasants of that district, and if all Honourable Members went back and sought to give all the assistance they can to work of this kind, then there would be some hope of our being able to tackle the disease. And as my Honourable friend Mr. Sykes said to me, if you could do that, and if the agriculturist could get his seed corn at 12 per cent. interest instead of 50, it would work a perfect miracle in the country-side. And his suggestion to me was to put in a word of praise and commendation for all that large body of un-official workers who have interested themselves in these co-operative credit societies. Of course from the Englishman's point of view he is not very keen on tight Government control. Obviously, however, there must be a very large measure of Government control in these matters until the people get strong enough to see the advantages and begin to practise thrift. In other words, it seems to me that you have got to educate the agriculturist by partly teaching him to read and write, and partly raising his physical condition, which in our part of the world—Madras—is unhappily rather low; for the lot of some of the people in Madras is not far above the line of semi-starvation. That is the only way, and I do think that while some methods of legislation for usury may be tried, as a practical lawyer I think that the agriculturist who comes to you and wants help would say if you offer him legislation, "I asked for bread and you have given me another stone". So, Sir, if that can be done, if there is any practical method by which further credit can be created, that is the real cure for the disease. Meanwhile, until that has been done, not only the agriculturists but people a good deal higher up socially may perhaps take comfort in the good old advice, "Having food and raiment, let us be content".

Mr. Bhuput Singh (Bihar and Orissa : Landholders) : Sir, I beg to oppose the Resolution moved by my Honourable friend Sir Muhammad Yakub. Sir, while I fully sympathise with the fine sentiments that have actuated the Honourable the Mover to bring forward this Resolution before this House, I do not suppose for a moment that his proposals would be able to ameliorate the present agricultural distress in any way. The Honourable Member has evidently overlooked the fact that in the present trade depression what is urgently needed is capital—money—in order to revive business. But if what he wants, that is, if money lending is brought within the clutches of the law and rates of interest at which money lenders would only lend out their money are penalised, then we shall have to bid good-bye to all hopes of revival of business, much less the development of trade. Without minimising the adverse conditions under which our agricultural populations are labouring at the present moment, I make bold to say that any restriction put upon private monetary transactions would spell disaster to agricultural operations. The Honourable the Mover's proposal, if accepted, would create an unnatural nervousness among money lending classes to the detriment of all our future business expansion. I think the thoughtful articles on the present British economic proposals, contributed to leading magazines by the well-known English economist, Keynes, in which he has advocated resort to extensive borrowings by the Government at Home to feed capital undertakings and industrial projects, without in any way restricting their activities, has so far escaped his attention. I say, Sir, that the Honourable the Mover's recommendation will be entirely suicidal. More mischiefs than benefits would ensue from it. In such

[Mr. Bhuput Sing.]

a time of financial stringency, as is more than evident, we should move very cautiously.

Again, supposing his proposal is accepted by the House and the necessary legislation is brought forth in consequence, I venture to say that the ingenuity of lawyers and resourcefulness on the part of money lenders would enable both the creditor and the debtor to evade the law. On the surface of things we shall have the useful formalities according themselves to strict legal provisions, but underneath there will be the usual subterfuges to escape them. Therefore, Sir, it would be better if we had no such law which would be more honoured in the breach than in the observance. If he is really solicitous about the cause he has espoused, the Honourable the Mover should employ himself in devising other practical schemes to achieve his purpose, because such proposals as he has now brought forward are calculated to hit hard not only agricultural operations but also the future development of commerce and industries in the land.

Mr. Jagan Nath Aggarwal (Jullundur Division : Non-Muhamadan) : Sir, at this late stage in the debate I only wish to say just a few words, not in the spirit in which some Members have tried to tackle this question, as if it were a case of class warfare, but to consider the practical considerations underlying the proposal of my Honourable friend who has moved the Resolution.

The Resolution consists of two parts ; one is to recommend to the Governor General that he should take up immediate legislation in order to control money lending. The second is to take measures to control unrestricted usurious rates of interest in India. These two matters should be kept apart and discussed as such.

The first point is to take steps to control money lending. As my learned friend, Mr. Puri, has pointed out, it has become a fashion of the times to begin to abuse money lenders in all places and in all provinces. I think that is hardly fair. The money lender has been the financier of the country in general and of the agricultural population in particular, for more than two thousand years or perhaps centuries untold. He is the man round whom the agriculturist must revolve. He was not perhaps so essential in the pre-British period, because the produce was shared by the landlord or by the State and he had to pay a share of whatever he grew on the soil in kind. But since the advent of British rule, he must find money to pay his land revenue demand, and therefore he must find ready money, even though the produce may not have been sold. Therefore various circumstances have brought about the need for the money lender ; and as has been pointed out, it is not right to go for the money lender and to leave untouched the root cause of the evil. We have had Reports of various committees—we have had the Report of the Labour Commission and the Report of the Banking Inquiry Committee ; and all have pointed out with great emphasis that the money lender is an essential factor in rural economy. Without him you cannot finance the business of the agriculturist. Let me put an illustration before the Assembly. We are asked, “ Why is this man going to the wily money lender ? ”. Why he goes there is a matter for inquiry, and we know pretty well from experience why he goes there.

But suppose he wants money ; what is he to do ? He is told to apply to the Central Co-operative Bank or to the Imperial Bank or Lloyds Bank and so on. And what is the answer ? He is told to give in a written application. He has to get somebody to write out an application. He is then asked by the bank to furnish a surety ; and if a surety is furnished he is then asked " What are your assets against which you want the money ? ". The assets are a bullock or two which are likely to die in time of famine, the crop which will grow, a few bangles and that is all. The land cannot be touched in most cases ; so that the real difficulty is that he has hardly any credit and it is difficult to get any money through the banks and on such slender security ; whereas the money lender is available on the spot even at eight o'clock at night. You go to him ; he knows you and you know him, and perhaps by word of mouth the whole transaction is arranged. And you avoid all this inconvenience. It is evident therefore that all this talk of kicking the money lender out of the land and abolishing his profession is one of the very last propositions that either the Government or the people can ever achieve. If that is so, what does this Resolution mean when it says control money lending ? Does it mean some sort of licensing ? May I point out, as the Honourable Member for Education, Health and Lands has been pleased to point out, that in the Punjab Legislative Council we tried to achieve that purpose by introducing a Bill, a private Member's Bill, which had all the blessings of my learned friend opposite and of the Punjab Government, and it was passed by the Council, after a very heated debate, though ultimately it never became law having been disallowed by H. E. the Governor. The Bill was on the model of the English Money Lenders' Act. The money lender had to be registered and various restrictions were placed on him. After making various sorts of inquiries we ultimately hit upon the expedient of a Regulation of Accounts Bill ; we did not find it practicable to have any kind of licensing of money lenders, but we merely said that those who lent money should keep accounts. That was the essential point underlying it—that the fraudulent person, the man who wants to try and drive a fraudulent or deceitful bargain with another man taking advantage of his ignorance, shall not be able to profit by it. But licensing has many other evils ; *e.g.*, if you license money lenders, it would mean endless trouble for the man who wants to borrow ; he must go through the list of licensed money lenders and he will be placed at the mercy of a ring of people, since only a certain number of people will be licensed and the circle of possible lenders will be small, and this debtor may be an impecunious man and may want money at short notice ; and if he is limited in his choice, he will be placed at a great disadvantage. Therefore this first part of the proposition to control money lending is unsound. This matter was dealt with by the Central Banking Inquiry Committee and they say that if we introduce this system of licenses, much as one would like to do it, it will only result in placing greater obstacles in the way of the borrower and result in harder terms to him.

Now, we come to the second part of the question, that is, to control unrestricted usurious rates of interest. Sir, it is a very tall proposition ; to find out what is a usurious rate of interest. Let us begin by saying that the limit shall be 12 per cent. Now for a good many people it is much too high ; for another class of people it is much too low.

Mian Muhammad Shah Nawaz : It should not be more than 12 per cent.

Mr. Jagan Nath Aggarwal : Let me take my learned friend's suggestion that it should not be more than 12 per cent. The rate of interest is the measure either of the credit or of the need of the man. Suppose you are not able to get money at the rate of interest at 12 per cent. or up to any limit that has been fixed and that your need is imperative ; you will go on your knees to this man or that ; and what is there to prevent his putting in the bond Rs. 1,000 and giving you Rs. 800 and getting a year's interest in advance or by some measure of that kind getting round the law that you make ? A measure of that kind fixing the rate of interest has always defeated itself in all countries and attempts have been made in this country also, in this Assembly as well as in the Council of State, to introduce legislation of that kind to fix the rate of interest. But the expedients of the money lender are so many and the necessity of this impecunious borrower so great and his credit so low and the circle of lenders so limited that he is always at the mercy of the lender. If you fix the rate of interest at 12 per cent., you achieve really no alleviation of the trouble. The rule of *damdupat* has been suggested many a time ; but let me just tell you the great hardship that the rule will inflict, particularly at a time like the present. The idea is that the interest shall not be greater than the principal. Very well ; if that is so, the moment the interest is going to approach something like the principal, a suit will be filed against the debtor and he will be placed in the court much sooner than he would otherwise be. At a time like the present when credit is low and money is scarce, the attempt should be to extend the period of limitation and give the debtor greater credit and give him something like a moratorium. But if you fix anything like this rule of *damdupat*, it means ruin to him. It has been brought forward many a time and it has failed for the very good reason that while it may have been sanctioned by Hindu Law at a time when society was primitive, under present day circumstances, under the working of commercial conditions this rule cannot be enforced. An impecunious person will hardly derive any benefit from it.

All that has been urged in support of this measure is that there is a large class of people, a very deserving class of agriculturists, who suffer from this great load of interest. What is the remedy that you propose ? The only remedy you propose is to put another man who has helped him into difficulty. That I submit is going about the business in the wrong way. If the agriculturist is really to be helped, he is to be helped not by impairing the confidence of those who have come to his help during the last thousands of years, but by providing greater credit for him.

Now, what is the reason for the comparative failure of your co-operative credit agency in spite of the Government backing and in spite of the boosting that has been given to it ? The reason is that they appealed only to a limited circle. If the co-operative credit societies had been worked not in the spirit of attempting to run down the money lender but in the larger spirit of inviting their co-operation and enlisting their sympathy, they would have succeeded much better. The remedy then for this evil lies not in either restricting the rate of interest or in accusing the money lender, nor in restricting the claim for more than

the principal, but in a steady attempt to give him greater facilities for getting money at a cheaper rate of interest. Now, how can that be done? That can be done only by making it possible to see that the great asset which he possesses is made available as security. The co-operative credit societies can manage to get their money in the easiest of all ways. No money lender has got such legal weapons at his command as the co-operative credit societies have, and if the co-operative credit societies lend money, it is no wonder. If you grant the same facilities to the money lenders as you do to the credit societies, they will be able to deal with their creditors in a very reasonable manner. It is very easy to say that the money lenders charge 25 per cent. interest, but if you look at the figures you will find that they can hardly realise more than 10 per cent. Therefore, the real remedies would be not those suggested by my friends, but to devise some system either of land mortgage banks or of co-operative credit societies working on a larger basis and also to secure the co-operation of these very people, so that money may be lent on the credit of the lands of the agriculturists.

Then, Sir, the greatest difficulty we find is on account of the ignorance of the people. My learned friends have wasted a good deal of time in arguing about the merits or demerits of money lenders, but has any Department of Government, barring a few honourable exceptions, taken the trouble to inculcate the lessons of thrift? That is the thing that is needed. These people walk into debts on every conceivable occasion, on marriages, on providing for the needs of some near relations, on ceremonies and so on, but the real need is to inculcate in these poor ignorant agriculturists the lessons of thrift. Unless ignorance and poverty are stamped out, unless these things are driven away, these conditions are bound to remain. It would not do to pounce upon one section of the community to try to relieve the distress of another. It should be a general levelling up of all sections. I therefore feel, Sir, that this Resolution, whatever may be the good motives underlying it, certainly will not achieve the purpose which the Honourable the Mover has in view.

Rai Bahadur 'Lala Brij Kishore' (Lucknow Division : Non-Muhamadan Rural) : My Honourable friend Maulvi Sir Muhammad Yakub has impressed upon the Government the urgency and importance of this motion. Though this Resolution has been moved with a sympathetic heart, it is inopportune to pass it.

At the very outset I wish to point out that the question of usury was seriously considered by the Government of India, and as a result thereof they passed Act X of 1918. This Act was designed to give additional powers to courts to deal in certain cases with usurious loans. The said Act in my opinion provides effective remedies to deal with the complaints mentioned in the learned speech of the Honourable Member of my Province.

Now, Sir, I shall turn to another aspect. To control the money lending operations is a tremendous task. It is easier said than done. In support of my contention, I only wish to say that all the Local Governments were consulted before the Act of 1918 was passed and they were unanimous in their opinion that the control or registration of money lenders was practically unworkable.

[Lala Brij Kishore.]

Supposing that these money lenders were registered. What would then happen ? The immediate effect would be that first of all the rate of interest would be raised by the money lenders, and if this rise in the rate of interest is also checked, the money lender will not easily part with his money. Two results would follow. The lot of the poor debtor would either be rendered more miserable or all sorts of subterfuges would be adopted by those who would be prepared to lend money. All this would lead to untold oppression and extortion. Some of my Honourable friends here would remember that a Bill with similar objects was introduced in 1923 by my Honourable friend Mr. Yamin Khan. But it fell through in the second reading.

Besides this, with some practical experience as an honorary judicial officer, I venture to say that the civil courts generally follow a sane and judicious policy in regard to the rate of interest.

Sir Muhammad Yakub : Do they ? Especially honorary judicial officers ?

Rai Bahadur Lala Brij Kishore : The time for such a drastic step as proposed by Sir Muhammad Yakub is inopportune. There will be a crop of civil suits against the poor debtors and their bad lot would be rendered worse in case the principle underlying the motion is accepted by the House, especially at such a time of economic and agricultural depression as is prevailing in the country. The Honourable the Mover's purpose will be defeated if the motion is accepted, because it will have the opposite effect, recoiling on those whom he wants to help. So without some amendments, which cannot be done now, I do not find any way to support the Resolution moved by the Honourable Member for Moradabad only for the reason that the times are not better.

Sir Muhammad Yakub : Sir, the great interest which this Resolution has roused in the House and the great length at which it has been debated would clearly show the importance of the subject-matter underlying the Resolution. I believe hardly any non-official Resolution has created so much interest as this Resolution has done. It has been debated for nearly two full days and every aspect of the question has been fully threshed out. I have received strong support for my Resolution from all sides of the House. The opposition, which has been raised to my Resolution, is of course quite natural. In these days it is very difficult to expect that a community like that of the money lenders, or those who derive benefit through them, will accept any self-denying ordinance. I never stated in my speech or in my Resolution that money lending should be abolished. I never said that the money lender was a scoundrel. I never said that the system of money lending should be put a stop to. All that my Resolution aims at ; is that the system of money lending should be controlled, and that it should be placed on the same level as in other civilized countries.

My friend Mr. Puri asked me some questions, and said what I should reply to them as a practical man. He pointed out that a tenant may

have a demand to pay his rent or that his son may be involved in a murder case or he may want to marry his daughter and money is required urgently, he goes to a money lender and asks for money, the money lender is at liberty to refuse to pay the money or to fix any rate of interest that he chooses. I say, Sir, that it is on account of these conditions and on account of the need of the money lender, that the system requires to be controlled and overhauled. If the need of money lending is so great, then there is all the more reason that this system should be revised and some check put upon the vagaries of the money lender. The evils of the usurious system have already been recognised by the Government, and several attempts have been made by them to put a stop to it ; for instance, the amendment of the Indian Contract Act, section 16, and the introduction of the Usurious Loans Act and its amending Bill, all these go to show that the Government have realised the evils of usury and uncontrolled money lending. My point is that the steps which have already been taken by the Government are not sufficient. Reference has been made to the Usurious Loans Act. My Honourable friend Mian Muhammad Shah Nawaz has clearly shown in what way that Act has remained a dead letter. I have already tried my best to search all the digests of the Indian law reports for the last twenty years and I have been able only to find out two or three cases, to which reference has already been made by my Honourable friend, Mian Muhammad Shah Nawaz, and in all those cases, the Act affected the case of the debtor adversely, it was never used in favour of the debtor. My point is this, that the Usurious Loans Act is a defective measure and it requires amendment. In the same way, section 16 of the Contract Act has also proved to be a defective measure and does not go far enough to give help to the debtor. Also section 34 of the Evidence Act, which allows the court to pass a decree on the basis of the account book of the money lender himself, requires some amendment, which would put a stop to the money lender's vagaries.

Sir, I have not restricted my Resolution only to agricultural debts. Honourable Members who have opposed the Resolution have restricted it only to the case of agricultural debtors ; they have themselves created a formula in their own minds and they have criticised it, and in that way they have tried to oppose the Resolution. My Resolution is quite a general Resolution ; it deals with the agriculturist as well as with any other class of people in the country. Again, I do not suggest any particular means by which this system should be controlled. There may be defects in certain suggestions which my Honourable friends have themselves made for the sake of argument, and they have contradicted those suggestions themselves. I say, I will leave the whole matter open. I will leave the whole case in the hands of the Government, and I want them to institute an inquiry, to consult the Judges of the High Courts, to consult the Provincial Governments, and to take speedy measures in order to remove this evil. That the system is an evil has been admitted on all hands ; even those who have opposed the Resolution have admitted the evils of excessive and usurious loans. It has been said by one of the Honourable Members that if you restricted the rate of interest, it would be a great hardship upon the money lender. I say if tomorrow the Bank of England raises its rate of interest, say, to 25 per cent. or 30

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per cent., what would be the state in the country? My Honourable friends on the Nationalist Benches would at once give notice of a motion for adjournment of the House and probably there would be a great hue and cry against the Bank of England. If it is objectionable on the part of the Bank of England to raise the rate of interest so high, then equally objectionable is it on the part of any private individual to raise the interest rates excessively.

As regards the Usurious Loans Act, there is one thing more. Generally, the cases in which excessive interest rates are charged are those for small amounts of money; mostly they are of the value of less than Rs. 500, and no second appeal lies to the High Court in such cases. Again, most of these cases are of the nature of small causes, and there is no appeal, but there is only a revision, and that can be done only when the man can deposit the decretal amount. When the man has got no money even to defend the case, where can he get money to deposit the decretal amount and go to the High Court? So, I think that the whole principle upon which these measures have been enacted requires deep consideration and thorough overhauling on the part of the Government. I do not want the Government to hurry up with the thing. No doubt I recognise that there are difficulties in the matter, but I also do not want the Government to show only a lip sympathy in the House and then sleep over the matter. The great fault of the British Government is that they do not do the right thing at the right time. They would do the right thing when the whole grace of it is gone and when the redress which they give is not appreciated by the people. In 1924 the representatives of the country in the Assembly made a demand for a Round Table Conference. They refused it, they rejected it. After three or four years, when there was civil disobedience in the country, when there was political agitation in the country, and when the whole fabric of the Government was shaken, then they offered a Round Table Conference, but the people rejected it. In the same way, when there is some peace in the country—of course, agrarian trouble has started and that is worse in the villages—I ask the Government to take prompt measures now to stop that evil. But I am sure my Honourable friend the Home Member will say, we will write to the High Courts, we will write to the Provincial Governments, and then they will sleep over the matter for years and years, by that time agrarian trouble would have gone out of control of the Government, when it would have created a revolution in the country, probably when it would bring about the same conditions in India as Bolshevism has done in Russia, of which the chief victim will be the money lender himself,—then probably the Government will wake up and try to do something which will not help them at all, as an Indian poet has said :

“ Hamne mana-ke taghaful na karoge lekhn,
Khak hojayenge ham tumko khabar honetak.”

It means, “ We concede that you will not exercise forgetfulness, but we would have been reduced to ashes before you come to our rescue ”. I hope that my Honourable friend will not delay to come to our rescue until we have been reduced to ashes.

The Honourable Sir James Crerar (Home Member) : I should like to assure the Honourable Member that we shall press this upon the attention of the Local Governments as a matter requiring very prompt consideration. (Hear, hear.)

Sir Muhammad Yakub : I am very glad that the Honourable the Home Member has given me this assurance, and I hope that his promise will not be like the promise of the beloveds of the poets of Asia ;—whose promises are never fulfilled. As the poet says :

*“ Tere vade per jiye ham to yeh jan jhut jana,
Ke khushi se mar na jate agar eitebar hota.”*

That is to say, “ I am living on thy promise because I consider that it will never be fulfilled ; I would have died on account of extreme delight if I were assured that it would soon be fulfilled. (Laughter.) On such a promise I am living, and on such a promise I beg leave of the House to withdraw my Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : In view of the fact that we had a three days debate on the agricultural question, I do not want to move my Resolution* and I shall take my chance next session.

RESOLUTION RE REBELLION IN BURMA.

Mr. B. Rajaram Pandian (Madura and Ramnad cum Tinnevely : Non-Muhammadian Rural) : Mr. President, before I move my Resolution, kindly allow me to associate myself whole-heartedly with the tributes paid by this House to my late lamented friends Messrs. Sahani and K. C. Roy.

I shall now proceed to move the following Resolution which stands in my name. It runs thus :

“ This Assembly recommends to the Governor General in Council that a committee consisting of officials and non-officials be appointed,—

- (i) to investigate and find out the causes that led to the recent rebellion in Burma ;
- (ii) to suggest ways and means for their removal ; and
- (iii) to make proposals for awarding compensation to all those who have suffered damage both to person and property.”

I have in this connection to make pointed reference to the anti-Indian feeling that has of late crept into Burma amongst some sections of the Burmans where previously there was none. It is a matter for deep regret that such a feeling should have now found its vent in the way of a most deplorable rebellion causing the greatest possible havoc to the Indians who have gone there as peaceful traders, bankers and

“ This Assembly recommends to the Governor General in Council to take immediate steps in fixing the land revenue in kind which may be collected in Indian money, equivalent to the value of the grain, in the month of April after taking into consideration the average rate of prices of the preceding year.”

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labourers, and who have never hitherto concerned themselves very seriously about the political movements in Burma. They have, therefore, been carrying on their peaceful avocations in perfect amity with the Burmans, who in many cases even looked upon them as their own kith and kin. But it is regrettable that so great a change should have come upon the Burmans in so short a time. It may not, perhaps, be difficult to assign the reasons for the change. There is a section of the Burmans who have been clamouring for some time past for the separation of Burma from India. They are not, in any sense, representative of the public opinion in Burma which appears to be equally divided on the question of separation. The question of the separation of Burma was one of the many that engaged the attention of the Round Table Conference and it was assumed at first for all practical purposes that so far as the question of separation of Burma went, it was a settled fact. But since this decision was taken, I understand that the question of separation has been declared an open question and that the Round Table Conference has not, as yet, taken its final decision with regard to this question. There was considerable protest from some of the Indian delegates, including Mr. Shiva Rao, against the original decision on the ground that public opinion in Burma is not even now unanimous in demanding separation. There is a considerable body of Burmans who are protesting against the separation and it is a matter now in the hands of the Burma Round Table Conference which is to meet in November next. My friend Mr. Maung Maung Ji a Congressman himself, who is representing a very influential section of the Burmans and who has gone to England in this connection, is also against it.

Then again there are some anti-Indian legislative measures which may also be said to have been responsible for the recent outrages committed on the Indians in Burma. I must say, however, at the outset that the trend of events in Burma during the past nine months and more has been to create a sort of disaffection in the minds of a section of the Burmans, who are for separation, against the Indians, with the result that the Indians are now looked upon with great horror and disgust as being responsible for the impoverishment of Burma. This feeling is being sedulously fostered by a section of the anti-Indian Press in Burma, who omit no opportunity to propagate the anti-Indian feeling with all the facility which they can command. It is also widely believed, and perhaps with some show of justification, that a section of the Government officials in Burma have also contributed to the spread of this feeling to some extent. The Burma Indian delegation which waited upon His Excellency the Viceroy to make representations regarding the position of the Indians in Burma has found that the irresponsible utterances of some of the Government officials have also had their share in encouraging the recent outbreaks in Burma.

It is impossible for us, however, to close our ears to all those dreadful stories which have happened in Burma during all this period of nine months, stories the most thrilling and pathetic and the tales of sorrows and sufferings which the Indians underwent in the course of the rebellion. Even according to the scanty news that was filtering through the papers, which to all intents and purposes can never give an exact

and accurate report of all that transpired in Burma, the position of the Indians has been exceedingly precarious and the ceaseless reports of the many dacoities and murders, with which the papers were only too full, sent thrills of horror into the minds of the Indians who had not only staked their all in Burma but many of whose kith and kin were actually engaged in the peaceful avocations of banking, trading and agriculture in Burma. In this manner a position of great insecurity was created for the Indians in Burma, who had no other alternative but to return to India by the next available boat. Within my knowledge, Sir, many a gentleman in my part of the country, who had been to Burma and who had established his reputation there in the banking and in the commercial world, returned bag and baggage after having had the most miserable experiences.

The rebellion itself in the first instance was believed to be an attack against the Government with the idea of subverting the Government established there by law. But by a curious irony of circumstances it turned out to be an indiscriminate action of the mob directed against all communities without any distinction of creed, colour or nationality.

I do not however propose to take much of your time in enumerating the wrongs which unsuspecting Indians suffered at the hands of the dacoits and marauders in Burma. But assuming for a moment that the Government had to face a situation which probably they did not anticipate, is it not the evident duty of the Government of Burma to act quickly and methodically in dealing with such a situation? There are the emergency ordinances, there are the military contingents available at short notice, and yet it is passing strange that these were never resorted to even in the most trying hours of the rebellion, but only at the lag end when the rebellion was practically dying out except in a few places. The Government of Burma, in more than one official review of the situation, have made much of the amnesty which they have proclaimed to all those who have been induced to join the rebel gangs without any volition of their own. Can it ever be seriously contended that this was in any degree responsible for the disappearance of the rebellious tendencies in the people who had the courage to fly in the face of all law and order and who at one time went so far as to even establish what they styled the "Rebel Raj" in Burma? What is the inference to be drawn from all this? It can only be one of two, namely, either that the Government of Burma was absolutely incapable of dealing with the situation, or it has been deliberately indifferent to all the happenings there allowing things to take their own course. I leave it to you therefore, Sir, having heard me so far, to draw your own conclusions from these facts.

I shall now pass on to the subject-matter of my Resolution, namely, to appoint a committee consisting of officials and non-officials to investigate thoroughly into the origin and causes of these riots and to decide the question of compensating all those, whether Indians, Chinese or Europeans, who have suffered as a result of these disturbances.

I propose that there should be no discrimination whatever in the appointment of this committee. It should be a committee composed of Indians, Burmese, Chinese and Europeans, presided over, if possible, by a Judge of the High Court of Burma or in India to secure an impartial finding on the many subjects involved in the inquiry. The personnel of the committee should be fully

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and thoroughly representative of the various public organisations in Burma such as the Burma Indian Chamber of Commerce, the Burma European Chamber of Commerce, the Nattukottai Chettiars' Association and also the representatives of other nationalities including Muslims, Chinese, etc. The official element of the committee may be drawn from the members of the Government of India and also from the Indian Legislatures. Such a committee alone would be interested in securing impartial findings on the many difficult questions such as the removal of the causes of general disaffection which seem to have been responsible for the rebellious outbreaks and also for laying down the canons of compensation to those who have suffered terribly as a result of these disturbances. With these words, I commend the Resolution to the acceptance of this House.

Mr. Uppi Saheb Bahadur (West Coast and Nilgiris : Muhamadan) : Sir, I rise to second the motion. Sir, the rebellion has continued for the last seven months in Burma, and the Indian Army has been engaged in quelling that rebellion, but it is a matter for regret that it has taken such a long time to quell this rebellion in a part of the British Empire. I rise to support the Resolution for this reason. Of the people who have suffered in the rebellion, the Indians are the one set of people who have suffered most terribly, and among these, the South Indian people the most, because a large number of South Indians, people who belong to my community, have migrated to Burma. The Moplah community, Sir, have emigrated far into the interior of Burma ; and it was sad for us to see that many of them have had to run away with merely their clothes on, leaving everything they earned with laborious toil behind, and many of them lost their lives also. Sir, in the circumstances, it is up to the Government to make an inquiry and to prevent any such calamity from recurring and to mitigate the existing calamity. With the anti-Indian movement going on in Burma, it is up to the Government of India to stem the tide of such a feeling and to try to bring about the amity and concord which prevailed hitherto in that country. With these words, Sir, I support the motion.

Mr. F. B. Leach (Burma : Nominated Official) : Sir, this Resolution does not appear to have interested the House quite so deeply as the Resolution which preceded it, and I had hoped that before I got up to speak, more or less on behalf of the Local Government of Burma, there would be a little bit more to reply to. The Honourable Member who moved the Resolution said extremely little about the rebellion at all and confined himself almost entirely, until the last two or three minutes of his speech, to dealing with the attacks which had been made on Indians by Burmans. Sir, everyone knows that attacks of this kind have been made, and nobody deplors them, I am sure, more than the better class Burmans. I am sure that both the Burman Members who are now in this House will support me when I say that. But I do not think that these attacks which have been made in any way justify the appointment of a committee, as has been proposed by the Honourable the Mover of this Resolution. In the first place, I should like to point out that the attacks on Indians, though they are doubtless due to a considerable extent to the same underlying causes as the rebellion, are not part of the rebellion

at all and are only very distantly, very vaguely connected with it. They have not even taken place in the districts where the rebellion has been most prominent. The rebellion broke out in the district of Tharawaddy, which is about 70 to 100 miles north-west of Rangoon on the railway line leading to Prome; and it has been very largely confined to the districts between Rangoon and Prome and a district on the Irrawaddy above Prome. The attacks on Indians broke out two months after the rebellion on the borders of Pegu and Toungoo districts, about 100 to 150 miles north-east of Rangoon on the railway line to Mandalay. This area is separated from Tharawaddy district, where the rebellion has been worst, by a practically impenetrable block of mountain and forest known as the Pegu Yomas and there is no reason whatever to suppose that the attacks on Indians were directly instigated in any way by the leaders of the rebellion. The attacks on Indians are doubtless the outcome of economic and agrarian difficulties with which the Province of Burma is now unfortunately faced. Sir, Burma has been hit extremely hard by the present trade depression because it depends almost entirely on its one staple crop of paddy; and the price of paddy has dropped by 40 or 50 per cent. from last year, and by even more from the price which has prevailed during the last ten years since the war. This has very seriously affected the small cultivator and the landless labourer class. At the same time they, like the corresponding classes in India, are very much in debt. Their condition is very similar to the condition, which has been described in the speeches on the previous Resolution, of many of the small cultivators in India. Unfortunately, in Burma, this economic difficulty is to some extent complicated by the fact that the money lending business of the country, as the Honourable the Mover of this Resolution in his speech has shown, is very largely in the hands of Indians. The fact that the smaller Burman landowners and the labouring classes are getting more and more into debt has therefore aroused an anti-Indian feeling. This feeling is not altogether unnatural when, as any one who has been to Burma will realise, in any large village in Lower Burma which you enter, you will probably find that by far the best house in the village belongs to the local *chettiyar*, and that the largest and the most prosperous looking houses and shops belong to Chinamen and Indians. It is not altogether unnatural that the Burmans should, in a period of unexampled economic difficulty, begin to resent the prominent position which foreign communities have succeeded in making for themselves in the country. Now, Sir, I do not wish it to be thought by anybody in this House that in saying this I am in any way attempting to excuse the use of violence which unfortunately did occur. I am merely stating the facts as briefly as possible, because I think there is little doubt that this was the origin of the attacks on Indians. Well, Sir, these attacks started in the month of February, as I have said, on the borders of the Pegu and Toungoo districts. It was hoped at first that the local officers had succeeded in controlling the movement there. Unfortunately this hope was frustrated and the attacks broke out again in the following month and then spread very rapidly to three or four neighbouring districts, mainly to the district of Hanthawaddy round Rangoon and, to a lesser extent, three or four districts of the Irrawaddy division which forms the delta of the Irrawaddy river. There were no attacks, I think I am right in saying, in other districts at all, and the general feeling of Burmans

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towards Indians in the rest of Burma, particularly in Upper Burma, has not been affected.

Now, Sir, the Honourable the Mover of the Resolution tried to make out that the cause of all this was the proposal for the separation of Burma. I am afraid he has given no reasons for thinking so and I cannot possibly say what grounds there are for supposing that. The motive is admitted on all hands to be purely economic, and I do not think that there is any object in appointing a committee to inquire into this.

I will not deal with a good deal of what the Honourable Member said on the subject of separation except with one point. Most of it was entirely irrelevant, but I should like to protest very strongly against his remark that a section of Government officials in Burma, who wish for separation, have fostered the anti-Indian feeling. That, Sir, I consider a most scandalous remark to make. I am glad to say that there is absolutely no justification for it. A similar allegation was made by the Burma Indian Chamber of Commerce in a letter to the Local Government, but they did at least confine it I think to the subordinate police in one district, and said that in certain cases it had been reported to them that the subordinate police had joined the Burmans in hammering the Indians instead of helping them when they went to make complaints. The accusation which the Honourable Member has now made is an entirely new one to me and he has not explained to the House in any way any facts which support him.

Then, Sir, the Honourable Member did go on to say something about the rebellion. He tried to make out that the rebellion which was believed at first to be an attack on Government turned out later to be an indiscriminate attack on all foreigners. I have already dealt with that point and I have tried to show that the rebellion and the anti-Indian movement were really two separate things. I have no doubt, Sir, that a large number of the criminal classes in Burma were inspired by the rebellion and by the initial success of the rebels in certain areas to turn to and see what they could do in the same line, and in certain parts of the country they found it considerably easier to go and loot the houses of isolated Indian cultivators in the fields than to join in the rebellion on the lines on which it was being run in other districts. But I do not think that that amounts to saying that the anti-Indian movement was part of the rebellion.

Well, Sir, at the very end of his speech the Honourable the Mover gave a summary of the three parts of the Resolution and said that he hoped that the House would support him. It is a little difficult for me to oppose a motion which has not at present really been supported by anybody on any adequate grounds, but the ground on which I would ask the House to oppose this Resolution is mainly the ground which has been shown very clearly indeed by the speech of the Honourable the Mover, namely, that if a committee is appointed to inquire into the rebellion, it is perfectly certain to be dragged off on to the trial of this red herring of the attacks on Indians, and that it would serve no useful purpose whatever to have an open inquiry by a large committee on that subject now. The attacks on Indians have, I am thankful to say,

ceased—I think may say completely ceased—for the last two months. It is perfectly true that if you read the papers you will find occasional reports of dacoities on Indian houses. But I think I can say pretty truly that for the last two months these attacks on Indian houses have not been due to any communal ill-feeling but have merely been committed by wandering dacoit gangs, because the Indian houses happened to be more worth dacoiting than any Burman houses in the village, or possibly because they knew that the Indian had a gun and they hoped to be able to get hold of it, or some reason like that. But I do not think that there is at present any trace of the anti-Indian feeling which did exist six months ago worth holding an inquiry into. And I am convinced that if any committee of this kind went round holding inquiries, it would be far more likely to do harm than good, because it would at once stir up this feeling again. Although there are no outbreaks at present the underlying feeling is there and it is bound, I regret to say, to remain there. Indians and Burmans have to a large extent different interests in Burma, and though in the past there has been plenty of room for both of them without their interests coming into direct conflict, that period is passing, and in future their interests are, I am afraid, likely to conflict more rather than less. In the past Burma has been fortunate in being spared communal ill-feeling of this kind ; and I think that thinking men in Burma, Burman or Indian or of any other race, will join with me in hoping that it will continue to be as far as possible free from communal ill-feeling, and in desiring most earnestly to do nothing which would have a tendency to stir up that communal ill-feeling. On these grounds therefore I hope that the House will oppose this Resolution. I do not wish to say anything more about the rebellion because nothing has been said about it by previous speakers. I would merely give this one reason, that the rebellion would be certain to be mixed up with the anti-Indian feeling and for that reason alone the time is not opportune for a large committee. Nor has the Honourable the Mover shown any necessity for the appointment of such a committee at all. The rebellion is still going on to a certain extent, but it is very nearly, we hope, over, and the officers of Government should not be disturbed in the difficult task on which they are now engaged of stamping out the sporadic dacoities which the rebellion has given rise to, and they would be dragged away from this work by the appointment of any such committee. I therefore oppose the Resolution.

U Tun Aung (Burma : Non-European) : Sir, I am placed in a very awkward situation in taking part in this discussion for two reasons ; the first is that I have every sympathy with the Honourable the Mover in his desire to clear up the cloud in Burma over this alleged anti-Indian feeling question, but on the other hand I do not at this moment feel that any definite and useful purpose will be served by holding this inquiry at this juncture, when I understand this supposed anti-Indian feeling is dying down. The Mover has not traced how this anti-Indian feeling had crept into Burma. In his motion he referred only to the rebellion. This anti-Indian feeling crept into Burma as a result of the Indo-Burmese riots which took place some six months before the rebellion. These Indo-Burmese riots started from a strike of dock labour. As you may know, Sir, the

[U Tun Aung.]

dock labour in Burma is entirely monopolised by the South Indians. There was a strike sometime in June, 1930, and as the employers, the *stavedores*, could not afford to keep their boats idle in the river, they engaged the services of Burmans. The Burmans in those days, as well as now, have been severely hit by the unprecedented fall in the paddy market. The cultivators from the districts rushed into Rangoon to get employment in the docks. Rightly or wrongly they were employed. After a week, the Indian labour came into an agreement with the employers, and without giving any notice to the Burmans employed there of the said agreement, one morning the Indians started assaulting the Burmese coolies, and thus the riots started. I am very sorry to say that the riots started as a result of the aggressive attitude taken by the Indians there ; but anyhow the riots were quelled in a few days and the Burmans, as a forgiving race, forgot all about them. Normal conditions were resumed.....

Mr. B. Rajaram Pandian : May I know if that was the finding of the Committee which inquired into the matter ?

U Tun Aung : I am coming to that. As my friend has asked me whether it was the finding of the Inquiry Committee, I may say at once that there was an inquiry made into the causes of the riots. I do not know for what reasons the Indian section *en bloc* boycotted the inquiry. Only the evidence that came from Burmans was placed before the inquiry and the Committee had to come to conclusions without the assistance or evidence of the Indian section. It is most unfortunate that the Indian section did not then take the opportunity of placing their grievances and their evidence before the inquiry. As I say, the feeling against the Indians, however, died down and normal cordial relationships were resumed. Some six months afterwards, the rebellion broke out. We do not still know what are the true causes of the rebellion. Some sections of the people ascribe it as being due to economic causes ; some say political and some say that both are responsible. In this connection I may say that in the local Legislative Council a motion was moved for an inquiry to be made into the rebellion. But the Government did not accept that motion on the ground that the matter was still *sub judice* inasmuch as trials were going on, and as such it was not proper at that moment to hold any inquiries as to the true causes of the rebellion.

My friend has referred to the unfortunate incidents that took place in course of the rebellion. I along with my friend here very much deplore that there should have been any loss of Indian lives in those unfortunate fights. But it must be remembered that when people took up arms to fight for reasons which I have already indicated, namely, that they were very hard hit and poverty-stricken by the fall in the rice market, they could not be expected to select or discriminate as to whom they should attack. They simply were driven to look out for some plunder or loot. They attacked anybody who had some property, whether he was an Englishman, Chinaman, Burman or Indian. There are many cases of well-to-do Burmans being attacked and also very many cases of village officials being killed ; but in the course of those attacks unfortunately there happened to be a few Indians also ; and I do not wish my friend at this moment to bring in this anti-Indian

question into Burma once more because as I said before that in moments of lawlessness and helplessness the Burmans could not pause and say, "We will spare the Indians and attack only the Burmans". They wanted to loot and they wanted to get some property and they did so. I find that the accounts about the rebellion are very much exaggerated in India. They are many times more magnified than they actually are.

My friend as a representative of the Chettiar community may know that before the Indo-Burmese riots the relationships between the Burmans and the Chettiars were most cordial. As a matter of fact, in every part of the province you will find the Chettiars. I would have taken part in the Resolution moved by my friend Sir Muhammad Yakub about the Usurious Loans Act, but by so doing I did not again wish to introduce the anti-Indian feeling. It is a well known fact, Sir, that the Chettiars are simply fleecing the Burmese agriculturists in Burma, but I have an excuse for them. The Burmese want money, and so they go to the Chettiars. So why should not the Chettiars make a business out of them?

Mr. K. Ahmed : At what rate?

U Tun Aung : At a rate which suits their sweet will and pleasure.

Mr. B. Rajaram Pandian : I am not speaking for the Chettiars, but I put my Resolution on general grounds, because every community has been affected in Burma, and that is why I urge that an inquiry should be set up which will be appreciated by all people.

U Tun Aung : I am citing the Chettiars as an instance, and it is the best instance that I can quote so far as the relationship between Burmans and Indians goes. They are on the most intimate terms.

Now, my only anxiety is, my only fear is, that if we are to constitute an inquiry at this moment, that very unpleasant and very undesirable feeling, i.e., the anti-Indian feeling in Burma, especially at a time when such a feeling is dying out and things are settling down to normal conditions, is likely to be revived. Before the Honourable Member moved his Resolution, I had a long talk with him. I do not for a moment want to oppose him so far as the constitution of an inquiry is concerned, but I do not wish to disturb the dirty waters again. And my friend himself is not sure whether the personnel of this inquiry Committee, if constituted, would suit the whims and caprices of the Indians in Burma, and there is no assurance that they would not boycott this inquiry also, because they had already boycotted an almost similar inquiry on a former occasion. I do not think that this is the right moment to ask for an inquiry into the causes of the communal troubles in Burma, which I say do not spring from rebellion, but from a previous incident, and if the scope of the inquiry were extended to that previous incident, it would be found that the Indians were in the aggressive.

The Honourable Sir James Crerar (Home Member) : Mr. President, I think that the Honourable the Mover of this Resolution will have by now realised that he is not quite to be congratulated on the opportunity which he has selected for moving this proposition, on the propriety of the procedure which he invites the House to adopt or on the prospect of any good resulting if his recommendation were accepted. His Resolution, however, has had one very useful consequence.

[Sir James Crerar.]

We have heard from two different quarters,—both quarters extremely well informed with regard to conditions in Burma,—we have heard two extremely interesting and extremely informing speeches. There is very little left, therefore, for me to add, but there are one or two points which I desire to emphasise. The first is that it is quite clear that the Honourable the Mover of this Resolution has very seriously confused the issues. There is, at the present moment, no good ground for an inquiry. The House has already been placed in possession of the fullest material bearing both upon the rebellion and upon other incidents not entirely connected with the rebellion, regarding which I laid on the table to-day a long and full statement. I think, therefore, that the appeal which was made by my friend Mr. Leach and the other Honourable gentleman from Burma opposite is one which ought to convince the House and to which Honourable Members have listened with great respect. Is it desirable for us to send out a committee to Burma to walk over ashes under which the fires are still smouldering and possibly to revive them again? Can any thing be gained by our doing that? Would we, as a matter of fact, be justified in urging this course upon the Local Government? As Mr. Leach has pointed out, so far as the rebellion is concerned, it is now to a large extent subsiding. Nevertheless there are a large number of sporadic dacoities which are still occupying the attention of the troops and the police who are engaged in the suppression of these disturbances. Thereafter there will be the urgent need of adopting such measures of reconstruction as are possible. It would be very undesirable at the present moment that the energies and the attention of the officers of Government should be diverted from these immediate and essential tasks in order to cope with an inquiry which is entirely unnecessary. And when I speak of that, Sir, I think that this House will be prepared to recognise that the Government of Burma and its officers have been engaged in dealing with a task of the greatest magnitude. They have discharged that task with the utmost courage and perseverance, with an earnest desire to terminate these disturbances as soon as may be and to do all they can to repair the damage and the injury that has been caused. This is not the moment, Sir, for us to interfere with those efforts. Still less, as both Mr. Leach and Mr. Tun Aung pointed out, is this the occasion for us deliberately with our eyes open and with warnings from those best qualified to advise us on this matter, to embark upon an enterprise which may lead to a very serious recrudescence of those unhappy animosities between communities in Burma which now have ceased and which we all hope will soon cease for good. Sir, I oppose the motion.

Mr. B. Rajaram Pandian : Sir, after what has fallen from the Honourable the Home Member and my friend Mr. Tun Aung, I beg leave to withdraw my Resolution.

The Resolution was, by leave of the Assembly, withdrawn.

RESOLUTION *RE* THE IMPERIAL BANK OF INDIA.

Mr. President : I am not sure whether there is time to take up the other Resolutions. Mr. Maswood Ahmad is not here. Mr. Reddi, do you wish to move your Resolution?

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor: Non-Muhammadan Rural) : Yes, Sir.

Mr. President, the Resolution that stands in my name reads thus :

“ This Assembly recommends to the Governor General in Council that a Committee of Inquiry be appointed to inquire into the working of the Imperial Bank in all its various branches.”

Sir, at the outset I may mention that I am very much handicapped by not having with me a copy of the record of the evidence given before the Banking Enquiry Committee by many of the Indian witnesses, because in that enquiry they have given out all the defects that are obtaining in the working of the Imperial Bank. I tried to get the office copies at least from the Secretariat, but I find that all those copies have been sent for printing and they will not be available for a month. So, though I cannot quote facts and figures, or chapter and verse in support of my Resolution, I have to be content with stating the facts and the inferences drawn from the evidence.

Sir, the Imperial Bank is the creation of a statute of the Indian Legislature of the year 1920. Before the coming into existence of the Imperial Bank there were what were called Presidency Banks. During the Great War these Presidency Banks did yeoman service to the Government, and so after the War it was thought that it would be very good for the country if all these banks were amalgamated and a quasi-Government Bank called the Imperial Bank was established. Thus, the Imperial Bank came into existence in the year 1920, but it actually began working in the year 1921. When this Imperial Bank came into existence, the Government expected that it would be of great help to the country. I may state that the Government invest all their cash balances in the Imperial Bank without getting any interest at all, and these cash balances average to the tune of nearly 20 crores of rupees. Rs. 20 crores of Government money, or nearly to the extent of that amount, is always in the Imperial Bank and the Government do not get any interest on it. When this Imperial Bank came into existence, Government thought that various benefits would accrue to the country and the following are some of the benefits which the Government expected to flow from this Imperial Bank. I am reading from a despatch to the Secretary of State by the Government of India.

“ In course of time, we shall expect to see new branches of the Imperial Bank attract a large amount of deposits from the general public.”

They also expected the capital to be mobilised in India. They anticipated that it would serve the purpose of a bankers' bank more effectively than the Presidency Banks. I do not want to give the reasons and other things which they have stated. They also hoped that that Bank would form a solid background necessary for the healthy development of various forms of banking, agricultural, industrial and ordinary joint stocks, of which this country is admittedly in need. They considered it probable that there would be an increase in assistance which it could give through the multiplication of its branches to the internal trade of the country and through its relations with the indigenous banking. Besides, a large proportion of the Government balances

[Mr. T. N. Ramakrishna Reddi.]

being placed at its disposal, the Bank would give help to the money market in times of need. Finally, it would be an ideal school for training Indians in the science of banking. These were some of the objects which the Government thought and the country thought would be realised by the bringing into existence of this Imperial Bank.

Now, Sir, we shall see whether the Bank has realised all the expectations that were raised. Nearly ten years have elapsed since it began to work. Various complaints were raised against the Bank on account of its partiality which it has been showing to the non-Indian constituents as against the Indian constituents, and witness after witness who appeared before the Banking Enquiry Committee seems to have made allegations against the working of the Bank. Some of those witnesses could not do so openly, and so they had to be examined in camera. That shows that there are many defects in the working of the Bank. It is said that it has not been giving credit to its Indian constituents as much as it is doing to its non-Indian constituents. Further, if two firms are started, one an Indian and another a non-Indian, it would not scrutinise so much before granting loans to the non-Indian firm as it would do in the case of the Indian firm, and so on. There are many defects pointed out before the Banking Enquiry Committee. I will quote from a book called "Organisation of Indian Banking" by Mr. Thakur.....

Dr. B. D. Dalal (Nominated Non-Official) : There is no quorum, Sir.

Mr. President : As the attention of the Chair has been drawn to the fact that there is no quorum, the House stands adjourned till to-morrow morning at 11 o'clock.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 23rd September, 1931.





